Version
as at 28 October 2021

Maori Housing Act 1935

Public Act	1935 No 34
Date of assent	26 October 1935
Commencement	26 October 1935

Act name: amended, on 27 November 1947, by section 8 of the Maori Purposes Act 1947 (1947 No 59).

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by Te Puni Kōkiri.

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An Act to make better provision for the housing of the Maori people

1 Short Title

This Act may be cited as the Maori Housing Act 1935.

Section 1: amended, on 27 November 1947, by section 8 of the Maori Purposes Act 1947 (1947 No 59).

2 Interpretation

In this Act, unless the context otherwise requires,—

chief executive means the chief executive of the Ministry of Maori Development

court means the Maori Land Court constituted under Te Ture Whenua Maori Act 1993

dwelling includes all necessary outbuildings and appurtenances in connection with a dwelling

Maori means a person belonging to the aboriginal race of New Zealand, and includes a person descended from a Maori.

Section 2 **Board**: repealed, on 1 October 1989, by section 13(1) of the Maori Affairs Restructuring Act 1989 (1989 No 68).

Section 2 **chief executive**: inserted, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 2 **court**: amended, on 1 July 1993, pursuant to section 362(2) of Te Ture Whenua Maori Act 1993 (1993 No 4).

Section 2 **court**: amended, on 27 November 1947, pursuant to section 9(2)(a) of the Maori Purposes Act 1947 (1947 No 59).

Section 2 **General Manager**: repealed, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 2 **Maori**: amended, on 27 November 1947, pursuant to section 2 of the Maori Purposes Act 1947 (1947 No 59).

2A Housing assistance for Polynesians

For the purposes of this Act, the term **Maori** shall be deemed to include any Polynesian who is a native of any island of the South Pacific Ocean and any person who is a descendant of such a Polynesian if, in either case,—

(a) he is a New Zealand citizen; or

(b) he has lived in New Zealand for 3 years and is permanently resident in New Zealand.

Section 2A: inserted, on 24 October 1969, by section 9(1) of the Maori Purposes Act 1969 (1969 No 127).

Section 2A(b): amended, on 21 December 1977, by section 7 of the Maori Purposes Act 1977 (1977 No 103).

3 Chief executive may make advances for the erection and repair of dwellings

For the purpose of providing dwellings and improved housing conditions for Maori the chief executive may, out of moneys appropriated by Parliament for the purposes of this Act, make advances to any person for all or any of the following purposes, namely:

(a) for the erection, repair, alteration, or improvement of any dwellings and of all necessary outbuildings, fences, and appurtenances attached thereto:

(b) for the repair, alteration, improvement, or installation in or in respect of any dwelling of a system of lighting, heating, sanitation, water supply, or other conveniences:

(c) for the purchase of land or interests in land as a site for a dwelling or dwellings:

(d) for the draining, cultivation, or general improvement of the land appurtenant to a dwelling:

(e) for the purchase of a dwelling or dwellings:

(f) for the payment of any moneys for the time being payable in respect of any dwelling or of any land that is or is intended to be the site of a dwelling or appurtenant to a dwelling, whether as rates, taxes, rent, moneys secured by any mortgage or charge, insurance premiums, or otherwise:

(g) for the payment of any single premium payable to an insurer approved by the chief executive in that behalf in respect of any mortgage or debt repayment insurance policy.

Section 3 heading: amended, on 1 January 1992, pursuant to section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 3: amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 3: amended, on 30 July 1985, by section 2(1) of the Maori Housing Amendment Act 1985 (1985 No 115).

Section 3: amended, on 27 November 1947, pursuant to section 2 of the Maori Purposes Act 1947 (1947 No 59).

Section 3(e): inserted, on 16 September 1938, by section 19(1) of the Maori Housing Amendment Act 1938 (1938 No 17).

Section 3(f): inserted, on 16 September 1938, by section 19(1) of the Maori Housing Amendment Act 1938 (1938 No 17).

Section 3(g): replaced, on 24 November 1967, by section 6(1) of the Maori Purposes Act 1967 (1967 No 145).

Section 3(g): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

4 Securities upon which advances may be made

(1) Any such advances may be made as the chief executive shall determine upon any of the following classes of security, namely:

(a) a first mortgage of Maori land or of land owned by Maori (including a leasehold interest in any such land):

(b) a first mortgage of any undivided interest or interests in Maori land:

(c) an assignment of the proceeds of the alienation of Maori land or of land owned by Maori:

(d) an assignment or other disposition of any other moneys payable or to become payable whether on account of the sale of dairy produce or other produce of land or otherwise howsoever:

(e) such other security or securities as the chief executive may approve.

(2) In determining whether any application for an advance should be granted the chief executive shall not be bound to insist upon any fixed or definite margin of security but may authorise such advances in any case where the chief executive considers it expedient so to do.

Section 4(1): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 4(1)(a): amended, on 27 November 1947, pursuant to section 2 of the Maori Purposes Act 1947 (1947 No 59).

Section 4(1)(b): amended, on 27 November 1947, pursuant to section 2 of the Maori Purposes Act 1947 (1947 No 59).

Section 4(1)(c): amended, on 27 November 1947, pursuant to section 2 of the Maori Purposes Act 1947 (1947 No 59).

Section 4(1)(e): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 4(2): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

5 Chief executive may require assignments of moneys as security to be irrevocable

(1) The chief executive may require any order on or assignment of moneys given as security for the repayment of any moneys advanced under the provisions of this Act to be expressed to be irrevocable, notwithstanding the death of the person giving such order or assignment or of his successors in title, and any such order or assignment shall be irrevocable accordingly except with the consent in writing of the chief executive.

(2) Notwithstanding any rule of law or regulation or anything in this or any other Act to the contrary, any company, body corporate, or person upon whom notice of any such order or assignment has been served shall be bound to accept and to act upon any such order or assignment and to pay to the person nominated in that behalf in the order or assignment all moneys from time to time payable thereunder.

(3) Every such order or assignment shall be taken in the name of the Sovereign.

Section 5 heading: amended, on 1 January 1992, pursuant to section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 5(1): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 5(3): editorial change made by the PCO, on 15 August 2024, under sections 86(1) and 87(a) of the Legislation Act 2019 (2019 No 58).

6 Assignments may be of moneys from lands vested in trustees

(1) For the purposes of this Act it shall be competent for any person to give an order on or an assignment of the proceeds of the alienation of any land (including compensation moneys for land taken), whether any such lands are or were vested in the Māori Trustee, the East Coast Commissioner, Public Trust, or any other trustee, or not.

(2) Any such order or assignment shall be valid and enforceable for all purposes, notwithstanding the provisions of Te Ture Whenua Maori Act 1993 or of any other Act to the contrary.

Section 6(1): amended, on 1 March 2002, by section 170(1) of the Public Trust Act 2001 (2001 No 100).

Section 6(1): amended, on 30 July 1985, by section 2(2) of the Maori Housing Amendment Act 1985 (1985 No 115).

Section 6(1): amended, on 30 September 1952, pursuant to section 5 of the Maori Land Amendment Act 1952 (1952 No 9).

Section 6(1): amended, on 27 November 1947, pursuant to section 2 of the Maori Purposes Act 1947 (1947 No 59).

Section 6(2): amended, on 1 July 1993, pursuant to section 362(2) of Te Ture Whenua Maori Act 1993 (1993 No 4).

7 Advances not to be paid direct to applicant

No moneys advanced under the provisions of this Act shall, unless the chief executive otherwise determines, be paid to the applicant, but all such moneys shall be expended or applied by the chief executive or at his or her direction for all or any of the purposes mentioned in section 3.

Section 7: amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

8 Charging orders may be made by the court

[Repealed]

Section 8: repealed, on 16 September 1938, by section 24(1) of the Maori Housing Amendment Act 1938 (1938 No 17).

9 Chief executive may take mortgages of land and chattels as security

(1) As security for the repayment of any advances made under the provisions of this Act, the chief executive may require the person to whom it is proposed to make the advance to execute a mortgage of the land in respect of which the advance has been made (hereinafter referred to as the **said land**) or of his interest therein, including a leasehold interest, and in addition may require such person to execute a mortgage of other lands owned by him or in which he has an interest:

provided that where the said land or such other lands are owned by other persons, either jointly or in common with the person receiving the advance, no such mortgage shall prejudice or affect the interests of such other owners except in so far as they consent thereto.

(2) The chief executive may also require the person to whom or on whose behalf it is proposed to make any such advance to give such securities over his stock, chattels, machinery, implements, or other assets as it may deem expedient.

(3) All such mortgages, chattels, and other securities shall be taken in the name of the Sovereign.

Section 9 heading: amended, on 1 January 1992, pursuant to section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 9(1): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 9(1): amended, on 30 July 1985, by section 2(3) of the Maori Housing Amendment Act 1985 (1985 No 115).

Section 9(2): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 9(2): amended, on 30 July 1985, by section 2(3) of the Maori Housing Amendment Act 1985 (1985 No 115).

Section 9(3): editorial change made by the PCO, on 15 August 2024, under sections 86(1) and 87(a) of the Legislation Act 2019 (2019 No 58).

10 Rate of interest on advances

The rate of interest to be charged on advances made under this Act shall be such rate as the chief executive determines, but not in excess of the rate in respect of similar loans made by Kāinga Ora–Homes and Communities.

Section 10: replaced, on 18 August 1992, by section 39 of the Housing Restructuring Act 1992 (1992 No 76).

Section 10: amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

11 Borrowers to conform to the directions of the chief executive

All persons to whom or on whose behalf advances have been made under the provisions of this Act shall in all respects conform to the directions of the chief executive or his or her officers in all matters pertaining to the cost, nature, and dimensions of the dwelling proposed to be erected or improved, the approval of plans and specifications therefor, the tender or price for the erection or improvement thereof to be accepted, the application of the moneys to be advanced, the supervision of the erection or improvement, and generally as to all other matters incidental to the erection or improvement of a dwellinghouse and its conveniences and appurtenances, including fencing.

Section 11 heading: amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 11: amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

12 Chief executive to have powers of inspection and supervision

While any moneys remain owing by the person or persons to whom advances have been made under the provisions of this Act the chief executive shall have all necessary powers of inspection, supervision, and control of the occupation, user, maintenance, and repair of any dwelling upon the erection, repair, or improvement of which any moneys so advanced have been expended, and such person or persons shall in all respects conform to the directions of the chief executive in that behalf.

Section 12 heading: amended, on 1 January 1992, pursuant to section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 12: amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

12A Chief executive may act as agent of borrower

(1) The chief executive may in his or her discretion act as the agent of any person who applies for an advance under this Act for the purpose of arranging for the erection or repair of a house for him, and for that purpose, may on that person's behalf employ workmen, purchase materials, enter into contracts, and generally do all things which the chief executive is empowered to require any such person to do for the purposes of this Act and the regulations thereunder.

(2) All money spent by the chief executive while acting as agent under this section shall, after allowing for any cash contributions made by the borrower, be deemed to be part of the advance or a further advance, as the case may be, within the meaning of any mortgage or other security given to secure the repayment of money advanced under this Act and shall be recoverable from the borrower accordingly.

Section 12A: inserted, on 22 October 1959, by section 31 of the Maori Purposes Act 1959 (1959 No 90).

Section 12A heading: amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 12A(1): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 12A(2): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

13 Further advances to be included in the security

The chief executive may from time to time make further advances for the purpose of altering, enlarging, repairing, rebuilding, or otherwise improving a dwelling or of the appurtenances and conveniences attached thereto, or for the improvement of the land upon which the dwelling is situate or otherwise for the purpose of improving such dwelling, and any such further advance shall be a debt due to the Crown, and shall form part of the moneys for the time being owing in respect of such dwelling, and be deemed to be included in the mortgage or other security for the time being securing the repayment thereof, and to bear interest accordingly.

Section 13: amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

13A Savings accounts for Maori housing purposes

(1) For the purpose of providing funds to be used, in conjunction with any advance under this Act, or otherwise for the improvement of the housing conditions of any Maori, money may from time to time be lodged by or on behalf of that Maori in a Trust Bank Account in his name.

(2) All money received and held under subsection (1) in the name of any person shall be deemed to be held by the Crown as the property of that person exclusively, and shall be disposed of to or by direction of that person exclusively.

(3) Interest, at such rate and computed in such manner as the Minister of Finance may from time to time determine, on any money held under subsection (1) shall from time to time be credited to the account in which the money is held:

provided that the rate of interest shall not exceed the rate for the time being fixed in respect of ordinary deposits in the Post Office Savings Bank.

(4) Any determination by the Minister of Finance under subsection (3) may be made either generally or with respect to any particular account or class of accounts.

(5) Any money heretofore received into the Public Account and held in the name of any person for the purposes set out in subsection (1) shall be deemed to have been received and held pursuant to the said subsection (1) and all the provisions of this section shall extend and apply to any such money accordingly.

Section 13A: inserted, on 24 October 1957, by section 10(1) of the Maori Purposes Act 1957 (1957 No 81).

Section 13A(1): amended, on 1 July 1989, by section 86(1) of the Public Finance Act 1989 (1989 No 44).

14 Regulations

(1) For the purposes of this Act the Governor-General may from time to time make regulations, not inconsistent with this Act, for any of the following purposes, namely:

(a) prescribing the conditions upon which advances under the foregoing provisions of this Act may be granted:

(b) prescribing rules for the direction, supervision, and control of the erection or alteration of dwellings and buildings in respect of which advances are made under this Act:

(c) providing for the inspection, management, and control by the chief executive of any such dwellings:

(d) empowering the chief executive to fix, whether by scale or otherwise, the fees and charges payable in respect of advances under this Act, to determine the manner in which any such fees or charges are to be paid, and to allow any refund or remission, in such circumstances as the chief executive may determine, of any such fees and charges:

(e) providing for the appointment of agents for the collection of moneys payable to the Crown under this Act:

(f) prescribing the terms of repayment of moneys advanced under this Act, including tables for the payment of principal and interest:

(g) prescribing any other matters that may be deemed necessary for the purpose of giving effect to this Act.

(2) Regulations under this section (including those made in reliance on section 31 of the Maori Housing Amendment Act 1938) are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 14(1)(c): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 14(1)(d): replaced, on 30 July 1985, by section 3(1) of the Maori Housing Amendment Act 1985 (1985 No 115).

Section 14(1)(d): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 14(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

14A Service of notices

Any notice which, for the purposes of this Act, is required to be served on any person shall be deemed to be sufficiently served if it is served in accordance with sections 353 to 360 of the Property Law Act 2007, and all the provisions of that section shall, with any necessary modifications, apply to any such notice accordingly.

Section 14A: inserted, on 28 October 1965, by section 9 of the Maori Purposes Act 1965 (1965 No 121).

Section 14A: amended, on 1 January 2008, by section 364(1) of the Property Law Act 2007 (2007 No 91).

14B False statements

(1) Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 12 months or a fine not exceeding $1,000 who, for the purpose of obtaining any advance under this Act, whether for that person or for any other person,—

(a) makes any statement or declaration knowing it to be false in any particular; or

(b) wilfully misleads or attempts to mislead any other person involved in the granting of advances under this Act.

(2) Despite anything to the contrary in section 25 of the Criminal Procedure Act 2011, the limitation period in respect of an offence against this Act ends on the date that is 12 months after the date on which the offence was committed.

Section 14B: inserted, on 30 July 1985, by section 4 of the Maori Housing Amendment Act 1985 (1985 No 115).

Section 14B(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 14B(2): replaced, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

15 Annual statement of accounts

[Repealed]

Section 15: repealed, on 28 October 1965, by section 10(1)(a) of the Maori Purposes Act 1965 (1965 No 121).

Maori Housing Amendment Act 1938

Public Act	1938 No 17
Date of assent	16 September 1938
Commencement	16 September 1938

1 Short Title

This Act may be cited as the Maori Housing Amendment Act 1938, and shall be read together with and deemed part of the Maori Housing Act 1935 (hereinafter referred to as "the principal Act").

Section 1: amended, on 27 November 1947, pursuant to section 8 of the Maori Purposes Act 1947 (1947 No 59).

Section 1: amended, on 27 November 1947, pursuant to section 9(1)(a) of the Maori Purposes Act 1947 (1947 No 59).

Setting apart land for dwellings

2 Setting apart land for purposes of Maori Housing Act 1935

(1) The chief executive may by notice published in the *Gazette*—

(a) set apart for the purposes of the principal Act, any land which is Crown land under the Land Act 1948 or is State housing land within the meaning of the Housing Act 1955 and which is not subject to any lease or licence:

(b) vary or revoke any Proclamation issued under this section before 1 January 1971 or any notice issued under this section.

(2) When any land has, whether before or after the commencement of this Act, been set apart pursuant to this section or is under section 3 deemed to be set apart for the purposes of the principal Act, the District Land Registrar, at the request of the chief executive, shall endorse on the existing certificate of title to the land a memorial that the land is subject to the Maori Housing Act 1935, or if no certificate of title already exists for the land, the District Land Registrar shall issue a certificate in the name of the Sovereign and shall endorse such a memorial thereon; and shall, at the like request, cancel the memorial as to the whole or any part of the land.

Section 2: replaced, on 1 January 1971, by section 11(1) of the Maori Purposes Act 1970 (1970 No 120).

Section 2(1): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 2(1): amended, on 1 April 1975, by section 11(1) of the Maori Affairs Amendment Act 1974 (1974 No 73).

Section 2(2): editorial change made by the PCO, on 15 August 2024, under sections 86(1) and 87(a) of the Legislation Act 2019 (2019 No 58).

Section 2(2): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 2(2): amended, on 1 April 1975, by section 11(1) of the Maori Affairs Amendment Act 1974 (1974 No 73).

3 Chief executive may acquire land to be set apart under principal Act

(1) For any of the purposes of the principal Act the chief executive may from time to time acquire on behalf of the Crown, whether from a Maori or from any other person, and whether by way of purchase, gift, lease, licence, or otherwise, such lands or interests in land as the chief executive thinks fit.

(2) All land acquired under this section shall, when so acquired, be deemed to have been set apart for the purposes of the principal Act.

(3) Notwithstanding the provisions of Part 21 of the Maori Affairs Act 1953, Maori freehold land required by the chief executive as a site for the erection of rental accommodation for elderly Maori may be acquired by the chief executive by way of gift.

(4) When any land acquired by the chief executive pursuant to subsection (3) is, in the opinion of the chief executive, no longer required for the purpose for which it was given, the chief executive shall arrange for the return of the land to the donors or their representatives, subject, where improvements have been placed on the land by the chief executive, to satisfactory arrangements being made with the donors or their representatives.

Section 3 heading: amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 3 heading: amended, on 1 April 1975, by section 11(1) of the Maori Affairs Amendment Act 1974 (1974 No 73).

Section 3(1): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 3(1): amended, on 1 April 1975, by section 11(1) of the Maori Affairs Amendment Act 1974 (1974 No 73).

Section 3(1): amended, on 27 November 1947, pursuant to section 2 of the Maori Purposes Act 1947 (1947 No 59).

Section 3(3): inserted, on 23 November 1973, by section 20 of the Maori Purposes Act (No 2) 1973 (1973 No 106).

Section 3(3): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 3(4): inserted, on 23 November 1973, by section 20 of the Maori Purposes Act (No 2) 1973 (1973 No 106).

Section 3(4): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

4 Chief executive may carry out works and erect dwellings

(1) The chief executive may from time to time cause to be undertaken and carried out, in connection with any land that is for the time being set apart for the purposes of the principal Act, such works as it thinks fit, including (but without in any way limiting the chief executive's powers hereunder) the survey, subdivision, reclamation, draining, roading, bridging, fencing, and clearing of

the land, the provision of lighting, heating, sanitation, water supply, and other conveniences, and any other works calculated to improve the land or to render it suitable or more suitable for the purposes of the principal Act.

(2) The chief executive may cause dwellings to be erected on any land set apart as aforesaid, and may from time to time alter, enlarge, repair, rebuild, or otherwise improve any dwelling or any other building or erection.

(3) The chief executive, with the consent of the Commissioner of Crown Lands, given either generally or in respect of any particular area of land, may exercise any powers conferred on him or her by this section in respect of any land vested in the Sovereign and subject to the Land Act 1948, notwithstanding that the land has not been set apart for the purposes of the principal Act.

(4) Where any expenditure has been incurred by the chief executive under subsection (3) in respect of any land, the land shall not, without the consent of the chief executive, be disposed of under the Land Act 1948 to any person other than a person nominated in that behalf by the chief executive.

Section 4 heading: amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 4(1): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 4(2): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 4(3): inserted, on 1 December 1961, by section 14(2) of the Maori Purposes Act 1961 (1961 No 129).

Section 4(3): editorial change made by the PCO, on 15 August 2024, under sections 86(1) and 87(a) of the Legislation Act 2019 (2019 No 58).

Section 4(3): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 4(3): amended, on 1 February 1990, pursuant to section 9(2) of the Survey Amendment Act (No 3) 1989 (1989 No 139).

Section 4(4): inserted, on 1 December 1961, by section 14(2) of the Maori Purposes Act 1961 (1961 No 129).

Section 4(4): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

4A Training of young Maori

(1) The chief executive may from time to time employ young Maori in carpentry and other trades associated with house building and may from time to time make suitable arrangements for the training of any such persons.

(2) Every young Maori who desires to receive any such employment and training shall execute an agreement with the chief executive setting out the conditions and terms under which the training shall be given, and any such agreement shall be binding upon the parties notwithstanding that any party to the agreement may be under the age of 20 years.

(3) Nothing in the Industry Training Act 1992 or in the Public Service Act 2020 or in the New Zealand Railways Corporation Act 1981 or in the Post Office Act 1959 shall apply to any such agreement.

Section 4A: inserted, on 22 October 1959, by section 32 of the Maori Purposes Act 1959 (1959 No 90).

Section 4A(1): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 4A(2): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 4A(2): amended, on 1 January 1971, by section 6 of the Age of Majority Act 1970 (1970 No 137).

Section 4A(3): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 4A(3) amended, on 1 July 1992, pursuant to section 14(1) of the Industry Training Act 1992 (1992 No 55).

Section 4A(3): amended, on 1 April 1982, pursuant to section 120(1) of the New Zealand Railways Corporation Act 1981 (1981 No 119).

Section 4A(3): amended, on 24 November 1967, by section 7 of the Maori Purposes Act 1967 (1967 No 145).

Disposal of dwellings

5 Dwellings may be disposed of by way of sale or lease

All dwellings erected or acquired by the chief executive under this Act may be disposed of by way of sale or lease as hereinafter provided.

Section 5: amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

6 Persons competent to acquire dwellings

Except with the consent of the chief executive, no person other than a Maori shall be qualified to acquire a dwelling under this Act by way of sale or lease.

Section 6: amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 6: amended, on 27 November 1947, pursuant to section 2 of the Maori Purposes Act 1947 (1947 No 59).

7 Cost of dwelling to purchaser

Any dwelling disposed of by way of sale under this Act shall be sold at a price to be fixed by the chief executive.

Section 7: amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

8 Terms of sale

(1) Subject to the provisions of this Act, every dwelling disposed of by way of sale under this Act shall be disposed of pursuant to an agreement containing such terms and conditions as the chief executive thinks fit.

(2) Where the purchase money is payable by instalments the purchaser shall pay interest on the amount of the purchase money from time to time outstanding at a rate to be determined by the chief executive, not exceeding in any case the current rate fixed under section 10 of the principal Act in respect of advances under that Act.

(3) The chief executive may from time to time, in the chief executive's discretion, and either unconditionally or upon or subject to such conditions as he or she thinks fit, extend the time allowed by any agreement under this section for the payment of the whole or any part of the purchase money, interest, or other moneys payable thereunder.

(4) For the purpose of securing the payment of any purchase money, interest, or other moneys payable pursuant to any agreement under this section the chief executive may require the purchaser to give such orders or assignments as the chief executive thinks fit over any moneys payable or to become payable to him, whether as the proceeds of the alienation of any land, or as the proceeds of the sale of the produce of any land or stock, or otherwise howsoever.

(5) The provisions of section 18 of the Housing Act 1955 shall apply to agreements under this section in all respects as if references in the said section 18 to Kāinga Ora–Homes and Communities were references to the chief executive or to the Crown, as the case may require, the reference in subsection (5) of that section to regulations were a reference to regulations under this Act, and the reference in that subsection to section 37 of the Housing Act 1955 were a reference to section 11 of this Act.

Section 8(1): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 8(2): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 8(3): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 8(4): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 8(5): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 8(5): inserted, on 1 December 1961, by section 14(3) of the Maori Purposes Act 1961 (1961 No 129).

Section 8(5): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

9 Value of improvements effected during currency of agreement to be added to price

(1) If during the currency of an agreement to purchase any dwelling the chief executive alters, enlarges, repairs, rebuilds, or otherwise improves the dwelling pursuant to the chief executive's powers in that behalf, the value of the work so done as fixed by the chief executive shall be a debt to the Crown due by the purchaser, and shall be recoverable accordingly, or may be added by the chief

executive to the amount of the purchase money for the time being owing under the agreement to purchase.

(2) Where any amount is added to the purchase money as aforesaid the chief executive may, if he or she thinks fit,—

(a) increase the amount of the instalments payable under the agreement so as to complete the payment of the purchase money within the time limited by the agreement in that behalf; or

(b) accept from the purchaser a surrender of the agreement and enter into a new agreement with the purchaser in respect of the dwelling.

Section 9(1): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 9(2): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

10 Chief executive may revoke agreement on default by purchaser

(1) If the purchaser of any dwelling pursuant to an agreement under this Act makes default in complying with the terms of his agreement or with any of the provisions of this Act the chief executive may, in his or her discretion, revoke the agreement upon giving to the purchaser not less than 1 month's notice in writing of his or her intention so to do; and on the revocation of the agreement the purchaser shall give up possession of the dwelling to the chief executive.

(2) Where any notice revoking an agreement for sale and purchase has been given upon default under the agreement—

(a) the acceptance by or on behalf of the chief executive of any money payable under the agreement shall not of itself constitute evidence of a new agreement or operate as a waiver of the notice; and

(b) it shall not be necessary for the chief executive to wait any further period or give any other notice or make any further demand, any rule of law or equity to the contrary notwithstanding.

(3) Notwithstanding anything to the contrary in section 63 of the Land Transfer Act 1952 or in any other Act, where the chief executive lawfully revokes an agreement for sale and purchase under this Act, the purchaser and all persons claiming through the purchaser shall forthwith vacate the land and yield up possession thereof to the chief executive:

provided that this subsection shall not apply to persons who claim by virtue of an instrument approved by the chief executive and who have complied with all the terms and conditions of the approval.

Section 10 heading: amended, on 1 January 1992, pursuant to section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 10(1): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 10(2): replaced, on 1 December 1961, by section 14(4) of the Maori Purposes Act 1961 (1961 No 129).

Section 10(2)(a): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 10(2)(b): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 10(3): replaced, on 1 December 1961, by section 14(4) of the Maori Purposes Act 1961 (1961 No 129).

Section 10(3): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 10(3) proviso: amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

11 Dwellings not to be disposed of by purchaser without consent of chief executive

(1) Except with the prior consent of the chief executive, no dwelling that is sold by the chief executive under the foregoing provisions of this Act shall be disposed of by the purchaser by way of sale, lease, mortgage, assignment, or in any other manner whatsoever before a certificate of title has been issued in respect of the dwelling pursuant to the next succeeding section. Every contract of sale, lease, mortgage, assignment, or other disposition in contravention of this section shall be absolutely void.

(2) The chief executive, in the chief executive's discretion, may refuse his or her consent under this section to any proposed disposition, or may grant his or her consent either unconditionally or upon or subject to such conditions as he or she thinks fit.

(3) Nothing in this section shall apply to any disposition by will in favour of the widow, widower, surviving civil union partner, or child of the purchaser, or to any disposition by operation of law.

Section 11 heading: amended, on 1 January 1992, pursuant to section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 11(1): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 11(2): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 11(3): amended, on 26 April 2005, by section 7 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Section 11(3): amended, on 1 December 1961, by section 14(5) of the Maori Purposes Act 1961 (1961 No 129).

12 Issue of certificate of title to purchaser

(1) On payment of the full amount of the purchase money and of all interest and other moneys payable to the chief executive under an agreement to purchase a dwelling under this Act, the purchaser shall be entitled to receive a certificate of title under the Land Transfer Act 1952 in respect of his dwelling.

(1A) Where any land is transferred by the chief executive to such a purchaser, the memorandum of transfer shall disclose that the land so transferred is subject to

the provisions of this section, and the District Land Registrar shall enter on the certificate of title issued in the name of the transferee a memorial in accordance with subsection (2).

(2) All land comprised in any certificate of title issued under this section shall be deemed to be General land.

(3) *[Repealed]*

Section 12(1): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 12(1): amended, on 1 January 1953, pursuant to section 245(1) of the Land Transfer Act 1952 (1952 No 52).

Section 12(1): amended, on 7 December 1945, by section 6(1)(a) of the Maori Purposes Act 1945 (1945 No 42).

Section 12(1A): inserted, on 7 December 1945, by section 6(1)(b) of the Maori Purposes Act 1945 (1945 No 42).

Section 12(1A): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 12(2): replaced, on 1 December 1961, by section 14(6) of the Maori Purposes Act 1961 (1961 No 129).

Section 12(2): amended, on 10 October 1975, pursuant to section 16(2) of the Maori Purposes Act 1975 (1975 No 135).

Section 12(3): repealed, on 1 December 1961, by section 14(6) of the Maori Purposes Act 1961 (1961 No 129).

12A Sale of land for Maori housing

(1) Notwithstanding the provisions of this Act, the chief executive may sell, subject to such terms and conditions as the chief executive thinks fit, any land set apart for the purposes of the principal Act to any person qualified to acquire a dwelling under this Act before the erection or completion of a dwelling on the land.

(2) Where any land is sold under this section, the provisions of section 12, as far as they are applicable and with the necessary modifications, shall apply in all respects as if the purchaser had purchased a dwelling.

Section 12A: inserted, on 28 October 1960, by section 20 of the Maori Purposes Act 1960 (1960 No 120).

Section 12A(1): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

13 Chief executive may grant leases

The chief executive may dispose of any dwelling erected or acquired under this Act by way of lease. Every lease under this section shall contain such terms, covenants, and conditions, not inconsistent with this Act, as the chief executive thinks fit.

Section 13 heading: amended, on 1 January 1992, pursuant to section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 13: amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 13: amended, on 8 November 1974, by section 10 of the Maori Purposes Act 1974 (1974 No 144).

14 Restriction on lessee's powers of disposition

(1) Except with the prior consent of the chief executive, no lease or sublease of any dwelling leased by the chief executive under this Act shall be capable of being assigned; nor, except with the prior consent of the chief executive, shall any sublease of any land so leased be capable of being granted.

(2) The chief executive may refuse consent under this section to any assignment or sublease, or may grant consent either unconditionally or upon or subject to such conditions as the chief executive thinks fit.

(3) Nothing in this section shall apply to any disposition by will in favour of the widow, widower, surviving civil union partner, or child of the lessee or in favour of a Maori, or to any disposition by operation of law.

Section 14(1): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 14(2): replaced, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 14(3): amended, on 26 April 2005, by section 7 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Section 14(3): amended, on 27 November 1947, pursuant to section 2 of the Maori Purposes Act 1947 (1947 No 59).

15 Determination of leases by chief executive

(1) If in the opinion of the chief executive any lessee under a lease granted under this Act is negligent or careless in the care of the dwelling leased to him, or if for any other reason he is considered by the chief executive to be unsuitable as a lessee, the chief executive may determine the lease.

(2) Any lease granted under this Act may be at any time determined by the chief executive if the lessee commits any breach of the conditions thereof, and in such other circumstances as may be provided in the lease.

(3) A certificate by the chief executive that any lease has been determined under this section shall be conclusive evidence that the lease has been lawfully determined. Upon any such determination the lessee shall not be entitled to any payment, whether in respect of improvements or otherwise.

Section 15 heading: amended, on 1 January 1992, pursuant to section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 15(1): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 15(2): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 15(3): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

16 Chief executive may sell land not required for purposes of Act

(1) Notwithstanding anything to the contrary in the foregoing provisions of this Act, the chief executive may sell or otherwise dispose of, to such persons in such manner and on such terms as the chief executive thinks fit, any land or buildings acquired or erected for the purposes of the principal Act and not required therefor.

(2) On payment of the full amount of the purchase money and of all interest and other moneys (if any) payable to the chief executive under an agreement to purchase any land under this section the purchaser shall be entitled to receive a certificate of title under the Land Transfer Act 1952 in respect of the land.

Section 16 heading: amended, on 1 January 1992, pursuant to section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 16(1): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 16(2): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 16(2): amended, on 1 January 1953, pursuant to section 245(1) of the Land Transfer Act 1952 (1952 No 52).

Section 16(2): amended, on 7 December 1945, by section 6(2) of the Maori Purposes Act 1945 (1945 No 42).

17 Part 13 of Land Act, etc, not to apply

The provisions of Part 13 of the Land Act 1924 and of Part 12 of the Maori Land Act 1931 shall not apply to any land or to any interest in land disposed of under this Act.

Section 17: amended, on 27 November 1947, pursuant to section 4(1) of the Maori Purposes Act 1947 (1947 No 59).

Special Housing Fund

[Repealed]

Heading: repealed, on 31 March 1977, pursuant to section 25(4)(a) of the Maori Purposes Act 1976 (1976 No 148).

18 Special Maori Housing Fund

[Repealed]

Section 18: repealed, on 31 March 1977, by section 25(4)(a) of the Maori Purposes Act 1976 (1976 No 148).

Miscellaneous

19 Extending purposes for which advances may be made under principal Act

(1) *Amendment(s) incorporated in the Act(s).*

(2) No advance shall be made under the said section 3 for the purchase of a dwelling except upon a valuation approved by the chief executive.

Section 19(2): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

20 Vesting orders

[Repealed]

Section 20: repealed, on 13 October 1941, by section 7(3) of the Maori Purposes Act 1941 (1941 No 22).

21 Moneys advanced, with interest thereon, to be charged on land

(1) All moneys advanced under the principal Act in respect of any land (including a reasonable charge for supervision where the moneys are expended or applied by the chief executive or as the chief executive directs), with interest at the rate determined in accordance with that Act, shall be a charge upon the land, and shall be repayable at such time or times and in such manner as, subject to any regulations made under the principal Act, the chief executive may from time to time determine.

(2) Where any land is subject to a charge created by subsection (1), the chief executive may execute a memorial of charge against the land for the purpose of evidencing the charge.

(3) Where any land is subject to a charge under this section, the chief executive may, by executing a memorial of charge, create a collateral charge over any other land or interest in land of the person whose land is charged under subsection (1) or of any relative of that person who has agreed to his land being so charged:

provided that no such collateral charge shall be created without the prior consent in writing of the person owning the estate or interest over which it is proposed to create the collateral charge.

(4) Every memorial of charge under this section and every agreement required under subsection (3) shall be in such form as may be prescribed by regulations under the principal Act.

(5) A copy of every memorial of charge executed by the chief executive shall be served upon the person or persons whose interest is charged.

(6) The principal money secured under any such memorial of charge shall be due upon the date or dates to be named therein in that behalf, and interest shall be payable on any such principal sum from the date of commencement specified in the memorial with half-yearly rests on the last days of March and September in each year at the rate or rates specified therein, being the rate or rates contained in the principal security for the loan.

(7) A memorial of charge amended under this section or any variation or discharge of any such memorial may be registered against the title to the land affected under the Land Transfer Act 1952 or the Deeds Registration Act 1908. Where

any orders of court which constitute the title of or confer title on the person whose interest is charged are not so registered, the memorial of charge may be deposited with the Registrar of the Maori Land Court for filing with the orders of the court. If the said orders or subsequent orders which affect the interest charged are subsequently registered it shall be the duty of the Registrar of the Maori Land Court to send the memorial of charge with the orders for registration and to notify the chief executive that he has done so.

(8) When so registered or deposited a memorial of charge under this section shall have the same force and effect as if it were a valid mortgage to the Sovereign of all the land therein described to secure the repayment of the principal money and the payment of interest thereon; and the power of sale and all other powers implied in mortgages over land by the Property Law Act 2007 shall be implied in the memorial of charge. The production of any certificate of title shall not be necessary for the purpose of registering a memorial of charge under this section against the land in that title.

(9) Any encumbrance registered before the registration of a memorial of charge under this section shall have priority over the memorial of charge:

provided that in so far as any registered prior mortgage secures any money that is advanced after written notice of the memorial of charge and of the registration thereof against the title to the land has been given to the mortgagee or to any solicitor for the time being acting for the mortgagee in respect of the prior mortgage, the memorial of charge shall have priority over the mortgage.

(10) The chief executive may at any time release or discharge in whole or in part the charge evidenced or created by any memorial of charge executed under this section or may vary any such memorial of charge by reducing the rate of interest or the rate of repayment or by extending the term thereof.

(11) The chief executive may at any time discharge in whole or in part the charge evidenced or created by any charging order made under this section before the commencement of this subsection.

Compare: 1936 No 53 s 18

Section 21(1): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 21(2): replaced, on 22 October 1959, by section 33(1)(a) of the Maori Purposes Act 1959 (1959 No 90).

Section 21(2): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 21(3): replaced, on 22 October 1959, by section 33(1)(a) of the Maori Purposes Act 1959 (1959 No 90).

Section 21(3): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 21(4): inserted, on 22 October 1959, by section 33(1)(a) of the Maori Purposes Act 1959 (1959 No 90).

Section 21(5): inserted, on 22 October 1959, by section 33(1)(a) of the Maori Purposes Act 1959 (1959 No 90).

Section 21(5): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 21(6): inserted, on 22 October 1959, by section 33(1)(a) of the Maori Purposes Act 1959 (1959 No 90).

Section 21(7): inserted, on 22 October 1959, by section 33(1)(a) of the Maori Purposes Act 1959 (1959 No 90).

Section 21(7): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 21(8): inserted, on 22 October 1959, by section 33(1)(a) of the Maori Purposes Act 1959 (1959 No 90).

Section 21(8): editorial change made by the PCO, on 15 August 2024, under sections 86(1) and 87(a) of the Legislation Act 2019 (2019 No 58).

Section 21(8): amended, on 1 January 2008, by section 364(1) of the Property Law Act 2007 (2007 No 91).

Section 21(9): inserted, on 22 October 1959, by section 33(1)(a) of the Maori Purposes Act 1959 (1959 No 90).

Section 21(10): inserted, on 22 October 1959, by section 33(1)(a) of the Maori Purposes Act 1959 (1959 No 90).

Section 21(10): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 21(11): inserted, on 22 October 1959, by section 33(1)(a) of the Maori Purposes Act 1959 (1959 No 90).

Section 21(11): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

22 Variation and registration of charges

[Repealed]

Section 22: repealed, on 22 October 1959, by section 33(1)(b) of the Maori Purposes Act 1959 (1959 No 90).

23 Enforcement of charges

(1) *[Repealed]*

(2) In addition, any charge under section 21, whether registered or not, may from time to time, on the application of the chief executive, be enforced by the court either—

(a) by the appointment of a receiver in respect of the land or interest in land; or

(b) by the making of an order vesting in the Sovereign either the whole of the land or interest in land or such part thereof or interest therein as will, in the opinion of the court, be sufficient to satisfy the charge.

(3) Upon the making of an order under paragraph (b) of the last preceding subsection, the land or interest in land affected by the order shall be deemed to be vested in the Sovereign, subject, however, to any estate or interest having priority to the charge, and the charge shall be deemed to be extinguished.

(4) Subject to the next succeeding subsection, all land that becomes vested in the Sovereign under this section shall be deemed to have been set apart for the purposes of the principal Act.

(5) Without limiting the powers conferred on the chief executive by this or any other Act, the whole or any part of any land that becomes vested in the Sovereign under this section may be proclaimed Crown land under section 265 of the Maori Affairs Act 1953 in the same manner as if it were land purchased by the Crown, and shall thereupon be subject to the Land Act 1948 and be administered and dealt with accordingly. In every such case a sum equivalent to the value of the land as determined by the Commissioner of Crown Lands shall be transferred from the Consolidated Account to such other account as the Minister of Finance shall determine.

Compare: 1936 No 53 s 21

Section 23(1): repealed, on 22 October 1959, by section 33(1)(b) of the Maori Purposes Act 1959 (1959 No 90).

Section 23(2): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 23(2)(b): editorial change made by the PCO, on 15 August 2024, under sections 86(1) and 87(a) of the Legislation Act 2019 (2019 No 58).

Section 23(3): editorial change made by the PCO, on 15 August 2024, under sections 86(1) and 87(a) of the Legislation Act 2019 (2019 No 58).

Section 23(4): editorial change made by the PCO, on 15 August 2024, under sections 86(1) and 87(a) of the Legislation Act 2019 (2019 No 58).

Section 23(5): editorial change made by the PCO, on 15 August 2024, under sections 86(1) and 87(a) of the Legislation Act 2019 (2019 No 58).

Section 23(5): amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 23(5): amended, on 1 February 1990, pursuant to section 9(2) of the Survey Amendment Act (No 3) 1989 (1989 No 139).

Section 23(5): amended, on 1 April 1978, pursuant to section 114(6) of the Public Finance Act 1977 (1977 No 65).

Section 23(5): amended, on 1 April 1954, pursuant to section 473(1) of the Maori Affairs Act 1953 (1953 No 94).

Section 23(5): amended, on 1 April 1949, pursuant to section 185(1) of the Land Act 1948 (1948 No 64).

24 Repeal and savings

(1) The last 3 preceding sections are in substitution for section 8 of the principal Act, and that section is hereby accordingly repealed.

(2) All charges, orders, certificates, registrations, appointments, Proclamations, and generally all acts of authority that originated under the said section 8 and are subsisting or in force on the passing of this Act shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated.

(3) All matters and proceedings commenced under the said section 8 and pending or in progress on the passing of this Act may be continued, completed, and enforced under this Act.

25 Securities over Maori reserves, etc

A charge may be constituted or a mortgage may be executed over any land or interest in land pursuant to the principal Act notwithstanding that the land may be a Maori reserve within the meaning of Te Ture Whenua Maori Act 1993, or a Maori reservation within the meaning of that Act, or may be otherwise reserved for Maori or declared to be inalienable by any Act, Warrant, will, instrument, or other act of authority.

Section 25 heading: amended, on 27 November 1947, pursuant to section 2 of the Maori Purposes Act 1947 (1947 No 59).

Section 25: amended, on 1 July 1993, pursuant to section 362(2) of Te Ture Whenua Maori Act 1993 (1993 No 4).

Section 25: amended, on 27 November 1947, pursuant to section 2 of the Maori Purposes Act 1947 (1947 No 59).

26 Confirmation of mortgages not required

No mortgage of Maori land or of any interest therein executed in favour of the Sovereign pursuant to the principal Act shall require confirmation under Part 19 of the Maori Affairs Act 1953.

Section 26: editorial change made by the PCO, on 15 August 2024, under sections 86(1) and 87(a) of the Legislation Act 2019 (2019 No 58).

Section 26: amended, on 1 April 1954, pursuant to section 473(1) of the Maori Affairs Act 1953 (1953 No 94).

Section 26: amended, on 27 November 1947, pursuant to section 2 of the Maori Purposes Act 1947 (1947 No 59).

27 Māori Trustee not to charge commission

Notwithstanding anything to the contrary in section 48 of the Maori Trustee Act 1953 or in any other Act, no commission shall be chargeable by the Māori Trustee on any moneys received for the purposes of the principal Act (including this Act).

Section 27 heading: amended, on 27 November 1947, pursuant to section 2 of the Maori Purposes Act 1947 (1947 No 59).

Section 27: amended, on 1 April 1954, pursuant to section 473(1) of the Maori Affairs Act 1953 (1953 No 94).

Section 27: amended, on 27 November 1947, pursuant to section 2 of the Maori Purposes Act 1947 (1947 No 59).

28 Grants and loans for valuation fees, etc

The chief executive may from time to time make grants or loans to Maori to enable them to meet the expenses (including valuation fees) of and incidental to applications to the chief executive or to any other body or person for advances, whether under the principal Act or otherwise.

Section 28: amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 28: amended, on 27 November 1947, pursuant to section 2 of the Maori Purposes Act 1947 (1947 No 59).

29 Exemption from stamp duty

[Repealed]

Section 29: repealed, on 20 May 1999, by section 7 of the Stamp Duty Abolition Act 1999 (1999 No 61).

30 Mode of recovery of moneys and possession of dwellings

Any proceedings under the principal Act (including this Act) for the recovery of any moneys or for the recovery of possession of any dwelling or land may, if the chief executive so directs, be taken on behalf of the Crown by the Māori Trustee, by suit in its corporate name, or by any other person authorised in writing in that behalf by the chief executive, by suit in his or her own name.

Section 30: amended, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 30: amended, on 1 April 1975, by section 11(1) of the Maori Affairs Amendment Act 1974 (1974 No 73).

Section 30: amended, on 27 November 1947, pursuant to section 2 of the Maori Purposes Act 1947 (1947 No 59).

31 Regulations

(1) Without limiting the power conferred on the Governor-General by section 14 of the principal Act to make regulations prescribing any matters that may be deemed necessary for the purpose of giving effect to that Act, regulations may be made under that section for all or any of the following purposes:

(a) prescribing the terms and conditions of agreements of sale and purchase under this Act, including conditions for the revocation thereof:

(b) prescribing the terms and conditions upon or subject to which dwellings may be leased under this Act:

(c) providing for the direction, supervision, and control of the erection or alteration of dwellings and other buildings:

(d) prescribing matters in respect of which fees (not being fees in respect of advances) are to be payable under the principal Act (including this Act), or under regulations made thereunder, the amount of the fees, and the persons liable to pay them:

(e) authorising the refund or remission, in such circumstances as may be prescribed, of any fees (not being fees in respect of advances) payable under the principal Act (including this Act) or under regulations made under that Act.

(2) No regulation made under the principal Act shall be deemed invalid on the ground that it delegates to or confers on the Governor-General or any other person or body any discretionary authority.

(3) *See* section 14(2) of the principal Act, which provides that regulations made in reliance on this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Section 31(1)(d): amended, on 30 July 1985, by section 3(2) of the Maori Housing Amendment Act 1985 (1985 No 115).

Section 31(1)(e): amended, on 30 July 1985, by section 3(3) of the Maori Housing Amendment Act 1985 (1985 No 115).

Section 31(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

32 Annual statement of accounts

[Repealed]

Section 32: repealed, on 29 September 1954, by section 3(3) of the Maori Purposes Act 1954 (1954 No 59).

33 Validation of acts done in anticipation of this Act

All acts of any nature done before the passing of this Act that by virtue of this Act would have been valid and lawful if they had been done after the passing of this Act shall be deemed to have been validly and lawfully done, and, in so far as they are subsisting at the passing of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the appropriate provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated.

Notes

1 General

This is a consolidation of the Maori Housing Act 1935 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Secondary Legislation Act 2021 (2021 No 7): section 3

Kāinga Ora–Homes and Communities Act 2019 (2019 No 50): section 33

Criminal Procedure Act 2011 (2011 No 81): section 413

Property Law Act 2007 (2007 No 91): section 364(1)

Relationships (Statutory References) Act 2005 (2005 No 3): section 7

Public Trust Act 2001 (2001 No 100): section 170(1)

Stamp Duty Abolition Act 1999 (1999 No 61): section 7

Te Ture Whenua Maori Act 1993 (1993 No 4): section 362(2)

Housing Amendment Act 1992 (1992 No 76): section 39

Industry Training Act 1992 (1992 No 55): section 14(1)

Ministry of Maori Development Act 1991 (1991 No 145): section 9(1)

Survey Amendment Act (No 3) 1989 (1989 No 139): section 9(2)

Maori Affairs Restructuring Act 1989 (1989 No 68): section 13(1)

Public Finance Act 1989 (1989 No 44): section 86(1)

State Sector Act 1988 (1988 No 20): section 88(2)

Maori Housing Amendment Act 1985 (1985 No 115)

New Zealand Railways Corporation Act 1981 (1981 No 119): section 120(1)

Maori Purposes Act 1977 (1977 No 103): section 7

Public Finance Act 1977 (1977 No 65): section 114(6)

Maori Purposes Act 1976 (1976 No 148): section 25(4)(a)

Maori Purposes Act 1975 (1975 No 135): section 16(2)
Maori Purposes Act 1974 (1974 No 144): section 10
Maori Affairs Amendment Act 1974 (1974 No 73): section 11(1)
Maori Purposes Act (No 2) 1973 (1973 No 106): section 20
Age of Majority Act 1970 (1970 No 137): section 6
Maori Purposes Act 1970 (1970 No 120): section 11(1)
Maori Purposes Act 1969 (1969 No 127): section 9(1)
Maori Purposes Act 1967 (1967 No 145): sections 6(1), 7
Maori Purposes Act 1965 (1965 No 121): sections 9, 10(1)(a)
Maori Purposes Act 1961 (1961 No 129): section 14
Maori Purposes Act 1960 (1960 No 120): section 20
Maori Purposes Act 1959 (1959 No 90): sections 31, 32, 33(1)
Maori Purposes Act 1957 (1957 No 81): section 10(1)
Maori Purposes Act 1954 (1954 No 59): section 3(3)
Maori Affairs Act 1953 (1953 No 94): section 473(1)
Land Transfer Act 1952 (1952 No 52): section 245(1)
Maori Land Amendment Act 1952 (1952 No 9): section 5
Land Act 1948 (1948 No 64): section 185(1)
Maori Purposes Act 1947 (1947 No 59): sections 2, 4(1), 8, 9(1)(a), (2)(a)
Maori Purposes Act 1945 (1945 No 42): section 6
Maori Purposes Act 1941 (1941 No 22): section 7(3)
Maori Housing Amendment Act 1938 (1938 No 17)

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