

Maori Purposes Act 1957

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An Act to amend the law relating to Maoris and Maori land, and for other purposes

1 Short Title

This Act may be cited as the Maori Purposes Act 1957.

2

- (1) The Maori Affairs Act 1953 is hereby amended by repealing section one hundred and thirty-six, and substituting the following section:

“136

- (1) When the Court has ascertained the beneficiaries and has defined their several shares and interest in accordance with section one hundred and thirty-five of this Act, it shall, without further application, proceed to dispose of the beneficial freehold interests of the deceased owner in accordance with the provisions of this section or in accordance with section one hundred and thirty-seven of this Act, as the case may require.

- “(2) In disposing of any beneficial freehold interest of a deceased owner as aforesaid, the Court may, in its discretion, exercise any of the following powers, that is to say:

“(a) The Court may exercise with respect to the whole or any part of the interest any jurisdiction which it would have authority to exercise under any of the provisions of this Act, if application had been duly made in accordance with this Act and with Rules of Court:

“(b) The Court may, with the consent of a beneficiary, vest the whole or any part of the share of that beneficiary in any other person or persons:

“(c) The Court may give effect to any arrangement or agreement whereby the share of any beneficiary is to be vested in any other person who is beneficially interested in any land in which the deceased had a beneficial freehold interest:

“Provided that, if the Court is satisfied that any projected arrangement or agreement is fair and

equitable and is not contrary to the interests of the beneficiaries or other persons concerned, it may give effect to the projected arrangement or agreement, notwithstanding that any of the persons concerned has not consented thereto or objects thereto:

“(d) The Court may vest the whole of the interest in any one or more of the beneficiaries to the exclusion of all or any of the other beneficiaries, without the consent of any person so excluded, and without payment being required therefor:

“Provided that no beneficiary shall be excluded as aforesaid if the value of the share to which he is legally entitled to succeed, in the opinion of the Court, exceeds ten pounds:

“Provided also that the Court, in the exercise of its powers under this paragraph, shall have regard to the disposition of all the interests of the deceased owner of which it is made aware, and shall not vest in any beneficiary shares or interests of which the aggregate value, in its opinion, exceeds by more than ten pounds the value of the interests which the beneficiary would, but for the exercise of those powers, have received:

“(e) The Court may vest any interest of which the value does not, in the opinion of the Court, exceed ten pounds and to which more than one person is entitled to succeed, in any other persons beneficially interested in the land, to the exclusion of the beneficiaries, without the consent of the persons so excluded, and without payment being required therefor:

“(3) For the purposes of paragraph (c) of subsection two of this section, any agreement or arrangement may, in the case of a person under disability, be entered into or made on his behalf by his trustee appointed under Part X of this Act, or if no such trustee is appointed, by any other responsible person.

- “(4) After making such dispositions (if any) as in its discretion it sees fit to make pursuant to the provisions of subsection two of this section, the Court, subject to the provisions of section one hundred and thirty-seven of this Act shall vest the remaining beneficial freehold interests of the deceased owner in the persons severally entitled to succeed thereto.
- “(5) All dispositions made by the Court pursuant to the foregoing provisions of this section shall be given effect to by vesting orders.
- “(6) Where any beneficial freehold interest in land has been devised by the will of the deceased owner to a trustee other than a bare trustee, the trustee shall, for the purposes of this section, be deemed to be the beneficiary. In any case to which this subsection applies, the existence of the trust shall be set forth on the face of the relevant vesting order.”
- (2) Section 5 of the Maori Purposes Act 1955 is hereby amended by repealing subsection (1).

3 Acquisition of interests in European land owned by Maoris

The Maori Affairs Act 1953 is hereby amended, as from the commencement thereof, by inserting after section one hundred and fifty-four, the following section:

“154A

The provisions of this Part of this Act shall, with any necessary modifications, apply to European land owned by Maoris.”

4 Auditor’s report on accounts of Maori incorporations to be submitted to general meeting of owners

[Repealed]

Section 4 was repealed by section 73(2)(b) of the Maori Affairs Amendment Act 1967.

5 Penalties for non-compliance with statutory provisions relating to bodies corporate of Maori owners

[Repealed]

Section 5 was repealed by section 73(2)(b) of the Maori Affairs Amendment Act 1967.

6 Amendment of section 445 of the Maori Affairs Act 1953 enabling the making of consolidated title orders

(1)

(2) Section four hundred and forty-five of the Maori Affairs Act 1953 is hereby further amended by repealing subsections nine and ten and substituting the following subsections:

“(9) Within the time fixed by subsection three of this section for public inspection of the draft consolidated order, the Maori Trustee may file in the Court his consent to the acquisition of the interests in terms of any recommendation made by the Court pursuant to subsection eight of this section, or his objection to the acquisition.

“(10) Upon the expiration of the time fixed by subsection three of this section for public inspection of the draft consolidated order, and before the making of the consolidated order, the Court may make an order vesting in the Maori Trustee any interest in respect of which a recommendation has been made under subsection eight of this section and to the acquisition of which the Maori Trustee has filed his consent or has not filed an objection.

“(11) The consolidated order shall be made to incorporate the effect of any order made under subsection ten of this section and of any other order affecting the ownership of any interest made by the Court subsequent to the drawing up of the draft consolidated order.”

Subsection (1) was repealed, as from 23 October 1981, by section 5(2) of the Maori Purposes Act 1981 (1981 No 112).

7 Court may make charging orders on dissolution of joint undertaking

Section four hundred and fifty-four of the Maori Affairs Act 1953 is hereby amended by adding the following subsection:

“(9) On the dissolution of a joint undertaking the Court may make an order or orders charging any area of land formerly comprised in the joint undertaking with payment to the owners of any other area such land, of such sum as is established to the satisfaction of the Court to be so payable in respect of the settlement of accounts between the respective owners of the said areas.”

8 Resolutions of Maori Purposes Fund Board

Section nine of the Maori Purposes Fund Act 1934-35 is hereby amended by adding the following subsection:

“(8) Notwithstanding the provisions of subsection one of this section, a resolution in writing, signed or assented to by letter or telegram by such number or members of the Board as constitutes a quorum thereof, shall be as valid and effectual as if it had been passed at a duly called and constituted meeting:
“Provided that no such resolution shall have effect unless notice in writing of the proposed resolution has been given to each member of the Board at least fourteen days before the resolution is to become effective and that each resolution passed in accordance with this subsection shall be laid before the Board at the annual meeting next following the date of the passing of the resolution.”

9 Investment of Maori Purposes Fund

The Maori Purposes Fund Act 1934-35 is hereby amended by inserting, after section ten, the following section:

“10A

The Board may, from time to time, invest any money of the Fund in any investments for the time being authorised by law for the investment of trust funds.”

10 Savings accounts for Maori housing purposes

(1) The Maori Housing Act 1935 is hereby amended by inserting, after section thirteen, the following section:

“13A

(1) For the purposes 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 received into the Public Account from or on behalf of that Maori, to be held in an account in his name.

“(2) All money received and held under subsection one of this section 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 one of this section 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 three of this section 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 one of this section shall be deemed to have been received and held pursuant to the said subsection one and all the provisions of this section shall extend and apply to any such money accordingly.”

(2) The Maori Purposes Act 1944 is hereby repealed.

11 Use of the Special Maori Housing Fund

[Repealed]

Section 11 was repealed by section 15(2) of the Maori Purposes Act 1961.

12 Disposal of assets of former Tribal Committee or Tribal Executive

[Repealed]

Section 12 was repealed by section 44 of the Maori Welfare Act 1962.

13 Extension of limits of delegation of Maori Trust Boards*[Repealed]*

Section 13 was repealed, as from 24 June 1996, by section 2(2) Maori Trust Boards Amendment Act 1996 (1996 No 36).

14 Payments to Maori Trust Boards by Crown not to constitute income for taxation purposes

The Maori Trust Boards Act 1955 is hereby amended by inserting, after section forty-one, the following section:

“41A

- (1) No money paid to a Maori Trust Board from the Consolidated Fund pursuant to any provision contained in Part I of this Act, and no money so paid under the corresponding provisions of any Act repealed by this Act, shall, for the purposes of the Land and Income Tax Act 1954, or the Social Security Act 1938, or any other enactment, be deemed to be income of that Board.
- “(2) The provisions of subsection one of this section shall apply to all money paid or payable to the Tuwharetoa Maori Trust Board pursuant to section ten of this Act.”