

Reprint
as at 6 February 2021



Maori Assembled Owners Regulations 1995 (SR 1995/83)

Catherine A Tizard, Governor-General

Order in Council

At Wellington this 18th day of April 1995

Present:

The Hon John Luxton presiding in Council

Pursuant to section 179 of Te Ture Whenua Maori Act 1993, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

These regulations are administered by Te Puni Kōkiri.

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Regulations

1 Title and commencement

- (1) These regulations may be cited as the Maori Assembled Owners Regulations 1995.
- (2) These regulations shall come into force on the 7th day after the date of their notification in the *Gazette*.

2 Interpretation

- (1) In these regulations, unless the context otherwise requires,—

the Act means Te Ture Whenua Maori Act 1993

applicant means the person by whom an application under section 173 of the Act is made

assembled owners, in relation to any land, means the owners of the land assembled together in a meeting called and held in accordance with Part 9 of the Act

court means, as the case may require, the Maori Land Court or the Maori Appellate Court or both

owners, in relation to any area of land, means the persons who are beneficially entitled to that land in fee simple, whether legal or equitable or, in the case of any such persons who are deceased, their administrators; and includes, but not to the exclusion of the persons entitled in remainder, the owner of a beneficial freehold interest for life, or any other beneficial freehold interest less than the fee simple, in any land or in any share in land

person under disability has the meaning given to that term by section 210 of the Act

recording officer means the Registrar of the court for the district in which the land to be dealt with by the meeting of the assembled owners is situated; and

includes a Deputy Registrar or any other officer of the court appointed as recording officer for the meeting of assembled owners by the Registrar **trustee**, in relation to any interests in Maori land or General land owned by Maori, includes—

- (a) where an owner of any such interests is a person under disability, any trustee of that owner:
 - (b) where a whanau trust or a putea trust or a kai tiaki trust is established under Part 12 of the Act in respect of any such interests, that trust.
- (2) In determining for the purposes of these regulations the term of any lease, the term or terms for which the proposed lessee would be entitled to a renewal of the lease shall be deemed to be part of the original term of the lease.
- (3) Terms and expressions used in these regulations shall, unless the context otherwise requires, have the meanings assigned to them by sections 3 and 4 of the Act.

Compare: 1953 No 94 s 310; SR 1957/31 r 2

Regulation 2(1) **owners**: amended, on 6 February 2021, by section 99 of Te Ture Whenua Maori (Succession, Dispute Resolution, and Related Matters) Amendment Act 2020 (2020 No 51).

Meetings of assembled owners

3 Notice of meeting

- (1) The Registrar shall, as soon as possible after the time and place of a meeting of assembled owners have been appointed under section 174 of the Act, give not less than 14 days clear notice in writing of the meeting in form 1 of the Schedule or to the like effect—
- (a) to every owner of the land (being an owner in respect of whom a trustee does not hold office and an owner whose address has been supplied to the Registrar under rule 116(2)(b) of the Maori Land Court Rules 1994 (SR 1994/35); and
 - (b) to every person who holds office as the trustee in respect of any interests in the land (being a person whose address has been supplied to the Registrar under rule 116(2)(b) of the Maori Land Court Rules 1994 (SR 1994/35); and
 - (c) where the meeting is called under section 173(1)(a) of the Act, to the applicant and his or her solicitors; and
 - (d) where the meeting is called under section 173(1)(b) of the Act at the request of an owner, to that owner; and
 - (e) where a proposed resolution is for the alienation of Maori freehold land to a person or persons outside the preferred classes of alienees, to every person (being a person who belongs to 1 or more of the preferred classes of alienees) who has filed, in accordance with rule 117(4) of the Maori Land Court Rules 1994 (SR 1994/35) a written notice of that person's

intention to appear at the meeting of assembled owners and make an offer for the land; and

- (f) to such other persons as the Registrar may think fit or the court may direct.
- (2) The Registrar shall record on the file the names and addresses of all persons to whom notices are sent under this regulation.
- (3) The Registrar, at the cost of the applicant, or the applicant at his or her own cost, may give public notice of the meeting in a newspaper circulating in a district in which a number of the owners reside.

Compare: SR 1957/31 r 3

4 Documents required to accompany notice of meeting

Every notice given under regulation 3(1) (other than a notice given under that regulation as applied by regulation 36 or regulation 39) shall be accompanied—

- (a) by a form for the appointing of a proxy in form 2 of the Schedule; and
- (b) by a voting form for the owner's or trustee's or duly appointed attorney's vote to be cast by post in form 3 of the Schedule; and
- (c) if the Registrar or the court so directs, by particulars of a special valuation of the land; and
- (d) such other documents as the court directs.

Compare: SR 1957/31 rr 4, 5

5 Alternative applications

If applications under section 173 of the Act have been lodged by different persons in respect of the same land, all the proposed resolutions in the applications shall, unless the court otherwise directs, be included as alternatives in the same notice of meeting, in the order in which the applications were lodged.

Compare: SR 1957/31 r 6

6 Persons of preferred classes of alienees wishing to exercise right of first refusal

Where applicable, persons of the preferred classes of alienees who have, in accordance with rule 117(4) of the Maori Land Court Rules 1994 (SR 1994/35), filed written notice of intention to appear at the meeting of assembled owners and make an offer for the land, shall, unless the court otherwise directs, be included in the same notice of meeting in the order in which the notices of intention to appear were filed with the Registrar.

7 Service of notices and other documents by Registrar

All notices and other documents required by regulation 3 or regulation 4 to be given to any person by the Registrar shall—

- (a) be delivered to that person personally; or
- (b) be sent by post addressed to that person at that person's usual or last known residence or place of business in New Zealand.

Voting

8 Method of voting

Any owner or trustee may exercise the right to vote at a meeting of assembled owners either—

- (a) by being present in person or by proxy or by duly appointed attorney; or
- (b) by postal vote.

Proxies

9 Appointment

- (1) An owner or trustee or a duly appointed attorney of an owner or trustee may appoint a proxy to attend and vote on behalf of the owner or trustee or the duly appointed attorney of the owner or trustee.
- (2) The proxy must be a person of full age and capacity.
- (3) The proxy must be appointed by notice in writing in form 2 of the Schedule or to the like effect.
- (4) The notice must be signed by the owner or trustee or a duly appointed attorney of the owner or trustee.
- (5) The signature of the owner or trustee or duly appointed attorney must be witnessed and the witness must add to his or her signature his or her occupation and address.
- (6) Where the notice is signed by a duly appointed attorney of the owner or trustee, the notice shall be accompanied—
 - (a) by a copy of the power of attorney appointing the attorney; and
 - (b) by a current certificate of non-revocation of the power of attorney appointing the attorney.
- (7) The notice must state the particular meeting of assembled owners for which the appointment is made.
- (8) Subject to regulations 10 to 17, a proxy for an owner or trustee or a duly appointed attorney of an owner or trustee is entitled to attend and be heard at a meeting of assembled owners as if the proxy were the owner or the trustee.

Compare: 1957/31 rr 7, 8; SR 1968/47 rr 2, 3

10 Restrictions on appointment

No person shall appoint as a proxy any of the following persons:

- (a) any applicant or any applicant's solicitor or agent:

- (b) any person who holds property in trust for any applicant:
- (c) any prospective alienee or any prospective alienee's solicitor or agent:
- (d) any person who belongs to 1 or more of the preferred classes of alienees and who has, in accordance with rule 117(4) of the Maori Land Court Rules 1994 (SR 1994/35), filed written notice of intention to appear at the meeting of assembled owners and make an offer for the land:
- (e) any person who holds property in trust for a person to whom paragraph (d) applies:
- (f) the recording officer.

11 Lapse of appointment

No person shall act as proxy for any owner or trustee or any duly appointed attorney of an owner or trustee at any meeting of assembled owners if—

- (a) the owner or trustee or duly appointed attorney of the owner or trustee has died; or
- (b) a cancellation of the proxy's appointment has been lodged with the Registrar before 10 am on the last working day before the day of the meeting; or
- (c) a cancellation of the proxy's appointment has been lodged with the recording officer before the start of the meeting; or
- (d) the proxy's appointment has lapsed in accordance with the terms of the appointment.

Compare: SR 1957/31 r 9

12 Limitations

- (1) Any owner or trustee or any duly appointed attorney of an owner or trustee who appoints a proxy may limit that proxy's authority by directing the proxy to vote in favour of or against any alienation or other proposed resolution affecting the land, and the proxy shall not be competent to vote on behalf of any such owner or trustee or duly appointed attorney of an owner or trustee contrary to directions of the owner or trustee or the duly appointed attorney of the owner or trustee. In all other cases a proxy may vote in such manner as the proxy thinks fit.
- (2) If any person (being an owner or trustee or a duly appointed attorney of an owner or trustee) who has appointed a proxy attends the meeting personally and notifies the chairperson that he or she is present and the chairperson notifies the meeting accordingly, the proxy shall not vote on behalf of that person after the chairperson's notification; but the validity of voting that has been completed before that notification shall not be affected by that notification.

Compare: SR 1957/31 r 10

13 Notice of appointment

- (1) Except where the Registrar makes some other provision in the notice of the meeting, no proxy is effective in relation to a meeting unless—
 - (a) the notice of appointment, and any accompanying documents required by regulation 9(6), are lodged with the Registrar of the Maori Land Court for the district in which the land is situated at least 48 hours before the time fixed for the meeting and that Registrar is satisfied that the notice of appointment and any such accompanying documents are in order; or
 - (b) the notice of appointment, and any accompanying documents required by regulation 9(6), are lodged with the recording officer before the time fixed for the meeting and the recording officer is satisfied that the appointment and any such accompanying documents are in order.
- (2) Nothing in subclause (1) prevents a notice of appointment or any document accompanying a notice of appointment from being ruled out of order under regulation 14(2) or regulation 17(2).

Compare: SR 1957/31 r 11(1)

14 Objections to Registrar about appointment of proxy

- (1) The Registrar shall, on request, give to any person entitled to attend the meeting an opportunity to inspect any notice of appointment, and any accompanying documents required by regulation 9(6), lodged with the Registrar in accordance with regulation 13(1)(a) and to raise any objection to the notice of appointment or to any such accompanying documents.
- (2) Where any person entitled to attend the meeting raises, in relation to any notice of appointment or any accompanying document, an objection under subclause (1), the Registrar, if he or she upholds the objection, shall rule the notice of appointment or any accompanying document or both to be out of order and shall comply with regulation 15.

Compare: SR 1957/31 r 11(4)

15 Invalid appointment of proxy

- (1) Where the Registrar, whether of his or her own motion or as a result of an objection under regulation 14, rules a notice of appointment to be out of order,—
 - (a) the Registrar shall certify on the notice the reason for the ruling; and
 - (b) the proxy shall not vote at the meeting of assembled owners.
- (2) Where the Registrar, whether of his or her own motion or as a result of an objection under regulation 14, rules a copy of a power of attorney or a certificate of non-revocation of a power of attorney to be out of order,—

- (a) the Registrar shall certify on the copy of the power of attorney or the certificate of non-revocation (as the case may be) the reason for the ruling; and
- (b) the proxy shall not vote at the meeting of assembled owners.

Compare: SR 1957/31 r 11(2)

16 Delivery of notices of appointment to recording officer

The Registrar shall, before the time fixed for the meeting, deliver the notices of appointment and any accompanying documents (including any notices or documents ruled to be out of order) to the recording officer.

Compare: SR 1957/31 r 11(3)

17 Objections to recording officer about notice of appointment

- (1) The recording officer shall, on request, give to any person entitled to attend the meeting—
 - (a) an opportunity to inspect both any notice of appointment, and any accompanying documents required by regulation 9(6), lodged with the recording officer under regulation 13(1)(b) and any notice of appointment and any accompanying documents, delivered to the recording officer in accordance with regulation 16; and
 - (b) an opportunity to raise any objection to any notice of appointment or to any accompanying document lodged with the recording officer under regulation 13(1)(b) or to any notice of appointment or to any accompanying document delivered to the recording officer in accordance with regulation 16.
- (2) Where any person entitled to attend the meeting raises, in relation to any notice of appointment or any accompanying document, an objection under subclause (1)(b), the recording officer, if he or she upholds the objection, shall rule the notice of appointment or any accompanying document or both to be out of order and shall, as if he or she were the Registrar, comply with regulation 15.

Compare: SR 1957/31 r 11(2), (4)

Postal votes

18 Postal votes

- (1) An owner or trustee or a duly appointed attorney of an owner or trustee may, by notice in writing in form 3 of the Schedule or to the like effect, cast a postal vote.
- (2) The notice must be signed by the owner or trustee or a duly appointed attorney of the owner or trustee.
- (3) The signature of the owner or trustee or duly appointed attorney must be witnessed and the witness must add to his or her signature his or her occupation and address.

- (4) Where a postal vote is cast by a duly appointed attorney of an owner or trustee, that vote shall be accompanied—
 - (a) by a copy of the power of attorney appointing the attorney; and
 - (b) by a current certificate of non-revocation of the power of attorney appointing the attorney.
- (5) A postal vote may be cast on all or any of the proposed resolutions to be submitted to the meeting by specifying in the notice the manner in which the shares are to be voted.

19 Notice of postal vote

- (1) Except where the Registrar makes some other provision in the notice of the meeting, no postal vote is effective in relation to a meeting unless the postal vote, and any accompanying documents required by regulation 18(4), are received by the Registrar of the Maori Land Court for the district in which the land is situated at least 48 hours before the time fixed for the meeting and that Registrar is satisfied that the postal vote and any such accompanying documents are in order.
- (2) Nothing in subclause (1) prevents a postal vote or any document accompanying a postal vote from being ruled out of order under regulation 23(2)(b).

20 Objections to Registrar about postal vote

- (1) The Registrar shall, on request, give to any person entitled to attend the meeting an opportunity to inspect any postal vote (and any accompanying copy of a power of attorney and any accompanying certificate of non-revocation of a power of attorney) and to raise any objection to the notice and any accompanying copy of a power of attorney and any accompanying certificate of non-revocation of a power of attorney.
- (2) Where any person entitled to attend the meeting raises, in relation to any postal vote or any accompanying document, an objection under subclause (1), the Registrar, if he or she upholds the objection, shall rule the postal vote or any accompanying document or both to be out of order and shall comply with regulation 21.

21 Invalid postal vote

- (1) Where the Registrar, whether of his or her own motion or as a result of an objection under regulation 20, rules a postal vote to be out of order,—
 - (a) the Registrar shall certify on the postal vote the reason for the ruling; and
 - (b) the postal vote shall not be included in any count made by the Registrar under regulation 22.

- (2) Where the Registrar, whether of his or her own motion or as a result of an objection under regulation 20, rules a copy of a power of attorney or a certificate of non-revocation of a power of attorney to be out of order,—
- (a) the Registrar shall certify on the copy of the power of attorney or the certificate of non-revocation (as the case may be) the reason for the ruling; and
 - (b) the postal vote that was accompanied by the copy of the power of attorney or the certificate of non-revocation shall not be included in any count made by the Registrar under regulation 22.

22 Duty of Registrar

It is the duty of the Registrar—

- (a) to collect together all postal votes received by him or her; and
- (b) in relation to each proposed resolution to count—
 - (i) the number of owners or trustees voting in favour of the resolution (including those voting by duly appointed attorneys of owners or trustees) and the shares recorded in favour of the resolution; and
 - (ii) the number of owners or trustees voting against the resolution (including those voting by duly appointed attorneys of owners or trustees), and the shares recorded against the resolution; and
- (c) to sign a certificate that he or she has carried out the duties set out in paragraphs (a) and (b) (which certificate shall set out the results of the counts required by paragraph (b)); and
- (d) to ensure that—
 - (i) the certificate required by paragraph (c) is presented to the recording officer before the time fixed for the meeting; and
 - (ii) a copy of the certificate required by paragraph (c) is presented to the chairperson of the meeting; and
 - (iii) all postal votes and any accompanying documents required by regulation 18(4) (including any postal votes or accompanying documents ruled to be out of order) are delivered to the recording officer before the time fixed for the meeting.

23 Objections to recording officer about postal vote

- (1) The recording officer shall, on request, give to any person entitled to attend the meeting—
- (a) an opportunity to inspect the certificate, and any postal vote and accompanying document, delivered to the recording officer in accordance with regulation 22(d); and

- (b) an opportunity to raise any objection to the certificate or to any postal vote or to any accompanying document delivered to the recording officer in accordance with regulation 22(d).
- (2) Where any person entitled to attend the meeting raises, in relation to the certificate or to any postal vote or to any accompanying copy of a power of attorney or to any accompanying certificate of non-revocation, an objection under subclause (1)(b), the recording officer shall, if he or she upholds the objection,—
 - (a) amend the certificate; or
 - (b) rule the postal vote or any accompanying document or both to be out of order and make a consequential amendment to the certificate.
- (3) Where the recording officer rules a postal vote or any accompanying document to be out of order, the recording officer shall, as if he or she were the Registrar, comply with regulation 21.

24 Not counted in quorum

An owner or a trustee who casts a postal vote or a duly appointed attorney of an owner or trustee who casts a postal vote on behalf of an owner or trustee shall not be counted for the purposes of determining whether any quorum is present at the meeting.

Conduct of meetings

25 Persons entitled to attend meetings

Subject to regulation 40, the following persons may attend a meeting of assembled owners:

- (a) the owners:
- (b) any trustees:
- (c) any duly appointed attorney of an owner or trustee:
- (d) any person appointed proxy for an owner or trustee or for a duly appointed attorney of an owner or trustee:
- (e) any person who claims to be beneficially interested in the land although no vesting order has been made in that person's favour:
- (f) any Registrar or other officer of the court, including the recording officer:
- (g) the proposed alienee and his or her solicitor or agent:
- (h) any person who belongs to 1 or more of the preferred classes of alienee and who has, in accordance with rule 117(4) of the Maori Land Court Rules 1994 (SR 1994/35), filed written notice of intention to appear at the meeting of assembled owners to make an offer for the land:
- (i) the owners' solicitor or agent:
- (j) any trustee's solicitor or agent:

- (k) any applicant:
- (l) any applicant's solicitor or agent:
- (m) any other person whom the persons entitled to vote permit to attend to assist them in their discussions.

26 Persons entitled to vote at meetings

Only those persons referred to in paragraphs (a) to (d) of regulation 25 are entitled to vote on any matter at any meeting of assembled owners.

27 Attorneys

- (1) Subject to subclause (2) and to regulations 28 and 29, any person who is the duly appointed attorney of any owner or trustee, may attend, vote, and act at any meeting of assembled owners, either personally or by proxy, in the same manner and on the same conditions as if that person were the owner or trustee.
- (2) No person shall, at a meeting of assembled owners, attend, vote, or act as a duly appointed attorney of an owner or trustee unless—
 - (a) a copy of the power of attorney appointing the attorney is lodged with the recording officer before the time fixed for the meeting; and
 - (b) the person appointed as attorney signs, at the meeting, a certificate of non-revocation of the power of attorney and lodges it with the recording officer; and
 - (c) the recording officer is satisfied that the appointment is in order.

28 Objection to appointment of attorney

The recording officer shall, on request, give to any person entitled to attend the meeting an opportunity to inspect any copy of a power of attorney and any certificate of non-revocation of a power of attorney that has been lodged with the recording officer under regulation 27(2) and to raise any objection to it.

29 Invalid appointment of attorney

Where the recording officer, whether of his or her own motion or as a result of an objection under regulation 28, rules a copy of a power of attorney or a certificate of non-revocation of a power of attorney to be out of order,—

- (a) the Registrar shall certify on the copy of the power of attorney or the certificate of non-revocation (as the case may be) the reason for the ruling; and
- (b) the attorney shall not vote at the meeting of assembled owners.

30 Recording officer

- (1) For the purposes of every meeting of assembled owners, there shall be a recording officer, who shall be present throughout the entire meeting.

- (2) The recording officer shall make available to the meeting all relevant information from the court records which would assist those entitled to vote to make a proper decision on the proposed resolutions before the meeting.

Compare: 1953 No 94 s 310(1)

31 Minutes

The recording officer shall keep minutes of all material parts of the proceedings of the meeting.

Compare: 1953 No 94 s 310(1)

32 Quorum at meetings generally

- (1) No meeting of assembled owners may transact any business unless at least 3 persons who are entitled to vote and a recording officer are present throughout the meeting.
- (2) Except in a case to which regulation 33 or 34 applies, the quorum for the passing of any resolution at any such meeting shall consist of persons present throughout the meeting, whether personally or by their trustees, proxies, or duly appointed attorneys, who together own, or represent the owners of, at least 40% of the beneficial freehold interest in the land to which the resolution relates, not being in any case less in number than 10 or one-quarter of the total number of owners (whether dead or alive), whichever is the less.
- (3) For the purposes of subclause (2), where the total number of owners is not a multiple of 4, one-quarter of the number of owners shall be deemed to be one-quarter of the next highest number that is a multiple of 4.

Compare: 1953 No 94 s 309(1), (6D), (6E); 1967 No 145 s 4(1); 1974 No 73 s 36(1)

Regulation 32(2): amended, on 6 February 2021, by section 100 of Te Ture Whenua Maori (Succession, Dispute Resolution, and Related Matters) Amendment Act 2020 (2020 No 51).

33 Quorum for resolution to sell

Where the proposed resolution at a meeting of assembled owners relates to the sale of the land or any part of it, the quorum shall consist of persons present throughout the meeting, whether personally or by their trustees, proxies, or duly appointed attorneys, who together own, or represent the owners of, at least 75% of the beneficial freehold interest in the land.

Compare: 1953 No 94 s 309(6B); 1974 No 73 s 36(1)

34 Quorum for resolution to lease

- (1) Where the proposed resolution at a meeting of assembled owners relates to the leasing of the land or any part of it, the quorum shall vary according to the term of the proposed lease in accordance with the following table:

Required quorum (consisting of persons present throughout the meeting, whether personally or by their trustees, proxies, or duly appointed attorneys, who together own, or represent the owners of, at least the specified percentage of the beneficial freehold interest in the land)

Term of proposed lease

More than 42 years	75%
More than 21 but not more than 42 years	50%
More than 15 but not more than 21 years	40%
More than 7 but not more than 15 years	30%
Not more than 7 years	20%

- (2) Where a meeting of assembled owners has been summoned to consider a resolution to lease the land or any part of it, and a quorum as required by this regulation is not present but the persons present would constitute a quorum to consider a lease for a lesser term than is contemplated in the proposed resolution, the meeting may, with the consent of the proposed alienee, pass a resolution to lease for any such lesser term accordingly.

Compare: 1953 No 94 s 309(6C), (6F); 1974 No 73 s 36(1)

35 Quorum for resolution to incorporate

[Revoked]

Regulation 35: revoked, on 6 February 2021, by section 101 of Te Ture Whenua Maori (Succession, Dispute Resolution, and Related Matters) Amendment Act 2020 (2020 No 51).

36 Adjournment where quorum or recording officer not present

- (1) If no quorum is present within 1 hour of the time appointed for the meeting of assembled owners, the recording officer may adjourn the meeting to such time and place as he or she thinks fit after consulting with such of the persons entitled to attend the meeting as are present.
- (2) If the adjournment is for more than 24 hours, it shall be for a period of at least 3 weeks and the Registrar shall send out fresh notices under regulation 3.
- (3) If for any reason no recording officer is present within 2 hours of the time fixed for the meeting, the meeting shall stand adjourned to such time and place as the Registrar shall fix by fresh notice of meeting.

Compare: SR 1957/31 rr 13, 14(1)

37 Record of persons present

At the start of the meeting of assembled owners the recording officer shall record and incorporate in the minutes the names and shares of the owners or trustees who are present, or are represented by proxies or duly appointed attorneys or who have cast postal votes.

Compare: SR 1957/31 r 15(1)

38 Chairperson of meeting

- (1) Subject to subclause (2), at every meeting of assembled owners, the persons present and entitled to vote may appoint one of their number to be the chairperson of the meeting.
- (2) The following persons shall not be elected as chairperson of a meeting:
 - (a) any applicant or his or her solicitor or agent; or
 - (b) any proposed alienee or his or her solicitor or agent; or
 - (c) any person who belongs to 1 or more of the preferred classes of alienee and who has, in accordance with rule 117(4) of the Maori Land Court Rules 1994 (SR 1994/35), filed written notice of intention to appear at the meeting of assembled owners to make an offer for the land; or
 - (d) any person who holds property in trust for—
 - (i) any applicant; or
 - (ii) any proposed alienee; or
 - (iii) any person to whom paragraph (c) applies.
- (3) If no such election takes place, the recording officer shall be the chairperson of the meeting.
- (4) As soon as preliminary matters have been disposed of, the chairperson shall read and explain the notice of the meeting and give any other available information.

Compare: SR 1957/31 rr 16(1), 18

39 Power to adjourn

Any meeting of assembled owners may be adjourned by resolution to such time and place as the resolution appoints and the chairperson agrees to, and it shall be in the discretion of the Registrar as to whether or not fresh notices of meeting are sent out.

Compare: SR 1957/31 r 17

40 Hearing of applicants

- (1) Each applicant shall be entitled to attend the meeting of assembled owners either personally or with or by a solicitor or agent or both for the purpose of explaining and supporting his or her proposed resolution.
- (2) Applicants shall be entitled to be heard in the order in which their proposed resolutions appear in the notice of the meeting.
- (3) After all applicants have been heard and have answered any questions put to them, they and their solicitors or agents and all other persons not entitled to vote (other than the recording officer) shall retire from the meeting unless those entitled to vote otherwise agree, but may at any time thereafter be recalled by the meeting.

- (4) If any applicant who is entitled to vote is required to retire under this regulation, that applicant may cast his or her votes before he or she retires.
- (5) No proposed resolution referred to in the notice of the meeting shall be put to the meeting until the chairperson is satisfied that all applicants and any owner, trustee, proxy, or duly appointed attorney who wishes to speak has had an opportunity of being heard.

Compare: SR 1957/31 rr 19, 20

41 Amendment to resolutions

If during the course of an applicant's address or at any other stage before the applicants retire (where there are competing applicants), any applicant indicates that he or she would be prepared to agree to some amendment of his or her proposed resolution, the chairperson shall give all applicants an opportunity of handing to him or her a written statement of any amendments of their proposed resolutions which they would be prepared to agree to.

Compare: SR 1957/31 r 21

42 Proposal of resolutions

- (1) When the meeting is ready to vote, the chairperson shall formally submit to the meeting all the proposed resolutions as set out in the notice summoning the meeting.
- (2) If the notice of the meeting includes more than 1 proposed resolution, the proposed resolutions shall be put to the meeting in the order which they appear upon the notice unless the chairperson directs the meeting to consider them in any other order.
- (3) Subclause (2) and any direction given under that subclause shall be subject to any order of the court.
- (4) The meeting—
 - (a) may accept or reject any of the proposed resolutions; or
 - (b) may adopt any of the proposed resolutions with such modifications as the meeting thinks fit.
- (5) Before any proposed resolution is voted upon, the persons entitled to vote shall be given an opportunity of moving modifications to the proposed resolution.
- (6) If any such modification is carried, the proposed resolution as amended shall be put to the meeting.
- (7) If a proposed resolution is carried in an amended form, the applicant or the applicant's solicitor or agent shall be recalled to the meeting (if he or she had been present and had retired under these regulations) and asked whether he or she is prepared to accept the resolution in the form in which it was passed. If the applicant or the applicant's solicitor or agent informs the meeting that the applicant is not prepared to accept the resolution in that form, the resolution shall be deemed to have been lost.

- (8) If a resolution is carried, all other proposed resolutions referred to in the notice of the meeting that are inconsistent with the resolution carried and not previously disposed of shall be deemed to have been lost, but any other proposed resolutions that are not inconsistent with the resolution carried shall be disposed of by the meeting.

Compare: SR 1957/31 rr 22–25

43 Resolution for alienation of Maori freehold land to person outside preferred classes of alienees

- (1) Where—
- (a) the proposed resolution is for the alienation by sale, gift, or lease of Maori freehold land to a person or persons outside the preferred classes of alienees; and
- (b) persons who belong to 1 or more of the preferred classes of alienees have filed notices under rule 117(4) of the Maori Land Court Rules 1994 (SR 1994/35),—

the persons entitled to vote, having considered the proposed resolution and decided upon fair and reasonable terms and conditions for the alienation of the land, shall first invite the persons who have filed notices under rule 117(4) of the Maori Land Court Rules 1994 (SR 1994/35) to make an offer for the land on those terms and conditions.

- (2) The invitations issued under subclause (1) shall be issued in the order in which the names of those persons appear in the notice of meeting.
- (3) Where a person to whom an invitation is issued under subclause (1) refuses to make, on the terms and conditions set out in the invitation, an offer for the land, the recording officer shall thereupon record the refusal of the invitation.
- (4) Where a person to whom an invitation is issued under subclause (1) makes, on the terms and conditions set out in the invitation, an offer for the land,—
- (a) the recording officer shall thereupon record the outcome of the exercise of the right of first refusal and declare the meeting closed; and
- (b) all proposed resolutions for the alienation of the land to persons outside the preferred classes of alienees shall be deemed to have been lost.
- (5) Where none of the persons to whom an invitation is issued under subclause (1) makes, on the terms and conditions set out in the invitation, an offer for the land, the chairperson of the meeting shall proceed to put the proposed resolution for the alienation of the land and any amendment to that resolution to the meeting.

44 Voting

- (1) When the meeting is ready to vote on a proposed resolution, the chairperson shall call for a show of hands of those in favour and of those against.

- (2) If a vote is to be taken on a resolution on which postal votes have been cast, the chairperson of the meeting shall, on a vote by show of hands, count each owner or trustee who has submitted a postal vote for or against the resolution, as the case may be.
- (3) If any person entitled to vote on behalf of more than 1 person (including him or herself) casts a vote, that person shall, unless he or she informs the chairperson to the contrary, be deemed to have voted on behalf of all persons for whom he or she is entitled to exercise an unrestricted vote.
- (4) Unless a proxy elects not to vote, a proxy whose authority has been limited by the person appointing him or her shall be deemed to have voted on behalf of that person in accordance with the limitations upon his or her authority.
- (5) If the voting is not unanimous, the recording officer shall record in the minutes the names and shares of those entitled to vote who voted including any postal votes for and against respectively.
- (6) The chairperson must ensure that the certificate of postal voting required by regulation 22(c) and held by him or her is annexed to the minutes of the meeting.
- (7) The result of the voting shall be declared to the meeting.

Compare: SR 1957/31 r 27

45 Vote required to carry resolution

- (1) Subject to subclauses (3) to (5), every resolution that a meeting of assembled owners is authorised by the Act to pass shall be deemed to be carried if the persons who vote in favour of the resolution own, or represent the ownership of, a larger aggregate share of the land than the persons who vote against the resolution.
- (2) For the purposes of subclause (1), the value of the vote of the owner or trustee of a beneficial freehold interest less than the fee simple shall be computed as if that owner or trustee were the owner in fee simple of one-half of that owner's or trustee's share, and the value of the votes of the persons entitled in remainder shall be similarly computed as if they were the owners in fee simple of the other half share.
- (3) No resolution that relates to the sale of the land or any part of it shall be deemed to be carried unless those persons who vote in favour of the resolution together own, or represent the ownership of, at least 75% of the beneficial freehold interest in the land.
- (4) No resolution relating to the leasing of the land or any part of it shall be deemed to be carried unless those persons who vote in favour of the resolution together own, or represent the ownership of, at least the percentage of the beneficial freehold ownership of that land set out in the following table:

Term of lease	Vote required to carry resolution
More than 42 years	75%
More than 21 but not more than 42 years	50%
More than 15 but not more than 21 years	40%
More than 7 but not more than 15 years	30%
Not more than 7 years	20%

- (5) No resolution relating to incorporation shall be deemed to be carried unless those persons who vote in favour of the resolution together own, or represent the ownership of, at least 15% of the beneficial freehold interest in that land.

Compare: 1953 No 94 ss 309(6B), (6C), 311(1), (2); 1974 No 73 s 36(1)

46 Resolution recorded in writing

- (1) Every resolution, when carried, shall be recorded in writing by the recording officer in form 4 of the Schedule and certified by the chairperson as a correct transcription of the resolution.
- (2) The chairperson's certificate shall be countersigned by at least 1 person present at the meeting and entitled to vote.

Compare: SR 1957/31 r 28

47 Memorial of dissent

- (1) The recording officer shall inform any owner, trustee, proxy, duly appointed attorney, or postal voter who has voted against a resolution that has been passed of the right if he or she so desires to sign a memorial of dissent in form 5 of the Schedule within 14 days after the date of the meeting.
- (2) The signature of the owner, trustee, proxy, duly appointed attorney, or postal voter must be witnessed and the witness must add to his or her signature his or her occupation and address.

Compare: SR 1957/31 r 30

48 Report of recording officer

As soon as practicable after the holding of a meeting of assembled owners, the recording officer shall, in writing under his or her hand, report the result of the meeting to a Judge, and shall deposit among the records of the court a statement under the recording officer's hand of the proceedings of the meeting in form 6 of the Schedule, together with the minutes and a copy of every resolution and memorial of dissent.

Compare: 1953 No 94 s 314

49 Confirmation of resolution by court

No resolution passed by the assembled owners and requiring confirmation by the court under the Act shall have any force or effect unless and until it is confirmed by the court in accordance with Part 8 of the Act.

Compare: 1953 No 94 s 315(1)

Miscellaneous provisions

50 Irregularity

- (1) No meeting of assembled owners and no proceedings at any such meeting shall be invalid by reason of any irregularity in the summoning or the conduct of the meeting or in the proceedings at the meeting or by reason of any failure to comply with the directions contained in these regulations if it appears that the meeting was summoned and the proceedings conducted in accordance with the principles laid down in the Act and in these regulations and that the irregularity or failure did not materially affect the result of the proceedings.
- (2) Nothing in subclause (1) limits the effect of regulation 32(1).

51 Revocations

The Maori Assembled Owners Regulations 1957 (SR 1957/31) and the Maori Assembled Owners Regulations 1957, Amendment No 1 (SR 1968/47) are hereby consequentially revoked.

Schedule Forms

Form 1

Notice of meeting of assembled owners

r 3(1)

Part 9, Te Ture Whenua Maori Act 1993

To [*name and address*]

Kia ora

Land: [*insert description of block of land*]

You are an owner of an interest in the above-mentioned block of land, which has an area of [*number of hectares*] hectares (a.r.p).

Valuation

A special valuation of the land as at [*date*] was:

Land value	\$
Value of improvements	\$
Capital value	\$

Based on the above valuation your shares of [*specify*] would be worth [\$].

Please take note that a meeting of the owners of the above-mentioned block of land will be held as follows:

Place:

Date:

Time:

Proposed resolutions and other matters for consideration

The purpose of the meeting will be to consider the proposed resolution(s) and the other matters set out below:

Proposed resolutions

[*Set out in full*]

(Where a proposed resolution is for the alienation of Maori freehold land to a person outside the “preferred classes of alienees”, the following information shall be included in this notice.

Right of first refusal

In accordance with section 147(2) of Te Ture Whenua Maori Act 1993 and rule 117(4) of the Maori Land Court Rules 1994 the following person(s) has (*or* have) filed notice of intention to appear at the meeting and make an offer in respect of the land proposed to be alienated.

Name:

Address:

)

Other matters for consideration

[*Set out in full*]

Quorum

The quorum required to consider the proposed resolution(s) is [%] or [number of shares] shares out of a total of [number of shares] shares. (**Please note** however that in spite of a quorum being present, as required above, no meeting of assembled owners may transact any business unless at least three (3) persons who are entitled to vote and a recording officer are present throughout the meeting.)

Date:

Registrar:

Notes

Persons entitled to vote

- The persons entitled to vote on any matter at any meeting of assembled owners are:
 - (a) the owners (as defined in regulation 2(1) of the Maori Assembled Owners Regulations 1995):
 - (b) a trustee of an owner who is a person under disability, or a whanau trust, putea trust, or kai tiaki trust established under Part 12 of Te Ture Whenua Act 1993:
 - (c) any duly appointed attorney of an owner or trustee:
 - (d) any person appointed proxy for an owner or trustee or for a duly appointed attorney of an owner or trustee.

Voting by proxy

- An owner or trustee or a duly appointed attorney of an owner or trustee may cast his or her vote by proxy.
- An owner or trustee or a duly appointed attorney of an owner or trustee may appoint as his or her proxy any person of full age and capacity other than—
 - (a) any applicant:
 - (b) any applicant's solicitor or agent:
 - (c) any person who holds property in trust for any applicant:
 - (d) any prospective alienee:
 - (e) any prospective alienee's solicitor or agent:
 - (f) any person who belongs to 1 or more of the preferred classes of alienees and who has, in accordance with rule 117(4) of the Maori Land Court

Rules 1994, filed written notice of intention to appear at the meeting of assembled owners and make an offer for the land, or any person who holds property in trust for such a person:

- (g) recording officer.
- An owner or trustee or a duly appointed attorney of an owner or trustee may direct his or her proxy to vote in favour of or against the proposed resolution(s) and the proxy may not vote contrary to the directions.
- Shares voted by proxy count towards the quorum requirements.

Postal voting

- An owner or trustee may cast a postal vote in the form attached.
- A postal vote must be signed by the owner or trustee and the signature of the owner or trustee must be witnessed.
- The witness must add to his or her signature his or her occupation and address.
- A postal vote may be cast on all or any of the proposed resolutions to be submitted to the meeting by specifying in the form of postal vote the manner in which the shares are to be voted.
- **No postal vote is effective unless it is received by the Registrar of the Maori Land Court at least 48 hours before the time fixed for the meeting.**
- **Shares voted by postal voting do not count towards the quorum requirements.**

Voting by proxy or by postal vote

- If you are unable to attend the meeting and wish to vote, please complete either the proxy or postal voting form attached.
- Please note that you cannot appoint the recording officer to vote on your behalf.

Modifications to resolutions

- It is open to the meeting to modify the proposed resolution(s).

Informal discussion

- If the meeting fails for want of a quorum or if the proposed resolution(s) are rejected, the owners will be given an opportunity to discuss the future utilisation of the land on an informal basis.

Notification of owners

- As the addresses of some owners are unknown, the owners who receive this notice should make the meeting as widely known as possible.

Form 2
Proxy form to be used at meeting of assembled owners

r 4(a)

Part 9, Te Ture Whenua Maori Act 1993

(Front)

Land: *[insert description of block of land]*

In the matter of a meeting of assembled owners of the above-mentioned block of land to be held at *[place]* on *[date]*, and any adjournment thereof.

I, *[full name]*, being an owner (*or* the trustee of *[full name]*), an owner *or* the duly appointed attorney of *[full name]*, an owner *or* of *[specify]*, the trustee of *[full name]*, an owner) in the above-mentioned block of land **do hereby appoint** as my proxy (at least 1 name to be filled in):

[name], *or* if he or she does not attend*, *[name]**, *or* if he or she does not attend*,
*[name]**

I direct my proxy to vote for/against the proposed resolution to *[insert details of resolution]*.

I direct my proxy to vote for/against the proposed resolution to *[insert details of resolution]*.

Subject to any directions contained in this form in relation to any proposed resolution, my proxy may vote on my behalf in such manner as he or she thinks fit.

*Delete if inapplicable.

Date:

Signature of owner *or* trustee *or* duly appointed attorney of owner *or* trustee:

Signed in the presence of: *[signature of witness]*

Full name of witness (block letters):

Occupation:

Address:

Please see the notes on the back of this form

(Back)

Notes

Appointment of proxy

- An owner or trustee or a duly appointed attorney of an owner or trustee may appoint as his or her proxy any person of full age and capacity other than any of the following persons:
 - (a) any applicant:
 - (b) any applicant's solicitor or agent:
 - (c) any person who holds property in trust for any applicant:
 - (d) any prospective alienee:
 - (e) any prospective alienee's solicitor or agent:
 - (f) any person who belongs to 1 or more of the preferred classes of alienee and who has, in accordance with rule 117(4) of the Maori Land Court Rules 1994, filed written notice of intention to appear at the meeting of assembled owners and make an offer for the land, or any person who holds property in trust for such a person:
 - (g) the recording officer.

Directions to proxy

- An owner or trustee or duly appointed attorney of an owner or trustee may direct his or her proxy to vote in favour of *or* against the proposed resolution(s) and the proxy may not vote contrary to the directions.

Quorum requirements

- Shares voted by proxy count toward the quorum requirements.

Time by which proxy form must be lodged

- **This proxy form, when completed, must either—**
 - (a) **be lodged with the Registrar of the Maori Land Court at the address shown below at least 48 hours before the time fixed for the meeting;**
or
 - (b) **be lodged with the recording officer before the time fixed for the meeting.**

Address of the Registrar:

The Registrar

Maori Land Court

[*specify*]

Form 3
Meeting of assembled owners postal vote

rr 4(b), 18(1)

Part 9, Te Ture Whenua Maori Act 1993

Land: *[insert description of block of land]*

In the matter of a meeting of assembled owners of the above-mentioned block of land to be held at *[place]* on *[date]*

I, *[full name]*, *[occupation]*, of *[address]*, *[date of birth]*, being an owner (or the trustee of an owner or the duly appointed attorney of *[full name]*, an owner or of *[specify]*, the trustee of *[full name]* an owner) of *[number of shares]* shares in the above-mentioned block of land vote on the proposed resolutions as follows:

- 1 **Resolution to** *[details of resolution]*
 for/against*
- 2 **Resolution to** *[details of resolution]*
 for/against*

*Delete the one that does not apply.

Date:

Signature of owner or trustee or duly appointed attorney of owner or trustee:

Signed in the presence of: *[signature of witness]*

Full name of witness (block letters):

Occupation:

Address:

Notes

Right to cast postal vote

- An owner or trustee or a duly appointed attorney of an owner or trustee may cast a postal vote.

Signing and witnessing of postal vote

- The postal vote must be signed by the owner or trustee or duly appointed attorney and must be witnessed.
- The witness must add to his or her signature his or her occupation and address.

Copy of power of attorney and certificate of non-revocation

- Where a postal vote is cast by a duly appointed attorney of an owner or trustee, that vote must be accompanied—
 - (a) by a copy of the power of attorney appointing the attorney; and
 - (b) by a current certificate of non-revocation of the power of attorney appointing the attorney.

Casting of postal vote

- A postal vote may be cast on any or all of the proposed resolutions to be submitted to the meeting by specifying the manner in which the shares are to be voted.

Receiving and counting of postal votes

- The Registrar of the Maori Land Court for the district in which the land is situated is the person authorised to receive and count postal votes for the meeting.

Time by which postal vote must be received

- **No postal vote is effective unless it is received by the Registrar, at the address entered below, at least 48 hours before the time fixed for the meeting.**

Quorum requirements

- **Shares voted by postal voting do not count towards the quorum requirements.**

Address of the Registrar:

The Registrar

Maori Land Court

[specify]

Form 4
Resolution of assembled owners

r 46

In the Maori Land Court of New Zealand,

[*name of district*] District

In the matter of [*insert description of block of land*] and of a meeting of assembled owners held under Part 9 of Te Ture Whenua Maori Act 1993, at [*place*] on [*date*]

It is hereby certified that the resolutions set out below are correct transcriptions of resolutions passed at the above-mentioned meeting of the assembled owners of the above-mentioned block of land.

Resolutions passed

[*Set out in full*]

Date:

Chairperson:

Countersigned (a person present at the meeting and entitled to vote):

Full name of person countersigning (block letters):

Form 5
Memorial of dissent from resolution of assembled owners

r 47

Part 9, Te Ture Whenua Maori Act 1993

In the Maori Land Court of New Zealand,

[*name of district*] District

We, the several persons whose signatures appear below, being owners or trustees, or proxies or duly appointed attorneys for owners or trustees, of the land called or known as [*insert description of block of land*] do hereby dissent from the resolution passed at the meeting of assembled owners of that land held at [*place*] on [*date*], namely:

Resolution dissented from

[*Set out in full*]

Date:

Signature:

Full name and address of signatory (block letters):

Signed in the presence of: [*signature of witness*]

Full name of witness (block letters):

Occupation:

Address:

Signature:

Full name and address of signatory (block letters):

Signed in the presence of: [*signature of witness*]

Full name of witness (block letters):

Occupation:

Address:

Signature:

Full name and address of signatory (block letters):

Signed in the presence of: [*signature of witness*]:

Full name of witness (block letters):

Occupation:

Address:

Signature:

Full name and address of signatory (block letters):

Signed in the presence of: [*signature of witness*]

Full name of witness (block letters):

Occupation:

Address:

Form 6

Report of recording officer of result of meeting of assembled owners

r 48

Part 9, Te Ture Whenua Maori Act 1993

In the Maori Land Court of New Zealand,

[*name of district*] District

In the matter of [*insert description of block of land*] and of a meeting of assembled owners held under Part 9 of Te Ture Whenua Maori Act 1993, at [*place*] on [*date*]

I, [*name*], the recording officer at the above-mentioned meeting of assembled owners, do hereby report to the court as follows:

(1) I was present throughout the above-mentioned meeting and kept a record of the proceedings of that meeting.

* (2) A quorum was present within the prescribed time and the meeting proceeded to consider the proposed resolution which was passed without modification *or* with modification *or* which was rejected.

or

* (2) A quorum was present within the prescribed time and the meeting proceeded to consider the proposed resolution but before the meeting completed its consideration the meeting was adjourned to [*date*], when the proposed resolution was passed without modification *or* with modification *or* was rejected.

* (3) The said resolution was passed unanimously.

or

* (3) The aggregate shares of the owners who voted for and against the resolution respectively were:

For the resolution:

Against the resolution:

* (4) Memorials of dissent were duly lodged with me by or on behalf of [*insert number*] of the owners or trustees whose aggregate shares total [*insert number*].

or

* (4) No memorials of dissent were duly lodged with me by or on behalf of owners or trustees.

(5) Attached hereto are—

(a) the minutes of the meeting:

* (b) a copy of the resolution(s) as passed:

* (c) the certificate of postal voting:

* (d) a copy of every memorial of dissent duly lodged with me.

Date:

Recording officer:

*Delete if inapplicable.

Marie Shroff,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 20 April 1995.

Reprints notes

1 *General*

This is a reprint of the Maori Assembled Owners Regulations 1995 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Te Ture Whenua Maori (Succession, Dispute Resolution, and Related Matters) Amendment Act 2020 (2020 No 51): sections 99–101