



ANALYSIS

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1962, No. 47

An Act to amend the Maori Trust Boards Act 1955

[5 December 1962]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the Maori Trust Boards Amendment Act 1962, and shall be read together with and deemed part of the Maori Trust Boards Act 1955 (hereinafter referred to as the principal Act).

2. Provisions with respect to Aupouri Maori Trust Board—Section 5 of the principal Act is hereby amended by adding the following subsections:

“(7) Where pursuant to the foregoing provisions of this section any income derived from any property is payable to the Board, all or any part of the property, whether real or personal, may, on the application of the Board or of the Maori Trustee, be vested in the Board by order of the Maori Land Court.

“(8) Any property vested in it under subsection (7) of this section shall become assets of the Board and shall be administered in accordance with this Act.

“(9) All property which immediately before the date of the vesting order was held by the Maori Trustee as a capital asset shall, when vested in the Board, become a capital asset of the Board.”

3. Trusts for charitable purposes—(1) The principal Act is hereby amended by inserting, after section 24A (as inserted by section 19 of the Maori Purposes Act 1961), the following section:

“24B. (1) Any Board may from time to time, in its discretion, execute under its seal a declaration of trust declaring that it shall stand possessed of any of its property, whether real or personal, upon trust for charitable purposes.

“(2) Any income derived by the Board from any property to which the declaration relates shall be applied for such purposes referred to in section 24 or section 24A of this Act as may be specified in the declaration of trust; and, for the purposes of the Land and Income Tax Act 1954, any such income shall be deemed to be income derived by trustees in trust for charitable purposes.

“(3) No declaration of trust under this section shall have any force or effect unless it has been approved by the Commissioner of Inland Revenue.”

(2) Any declaration of trust executed by any Board before the passing of this Act that would have been valid if this section had been in force when the declaration of trust was executed shall be deemed for all purposes to have been validly executed and made.

4. Rolls of electors—Section 42 of the principal Act is hereby amended by repealing subsection (3), and substituting the following subsections:

“(3) Where any Parliamentary roll of electors contains sufficient information to indentify the beneficiaries of any Board that Board may, with the approval of the Minister, use for the purposes of its roll under this section the appropriate Parliamentary roll of electors for the last preceding general election.

“(4) Where beneficiaries of a Board are divided into different sections or divisions for the purposes of elections, the manner in which any such section or division is to be determined in cases where a Parliamentary roll is used shall be stated in all advertisements and notices relating to the elections issued by the Board.

“(5) Where the beneficiaries of any Board are divided into sections or divisions for the purposes of elections, no person shall, except so far as may be prescribed by regulations under this Act, be eligible to belong to more than one section or division.

“(6) Where a person is qualified to belong to more than one section or division, he shall, when applying for enrolment, elect the section or division in which he wishes to be enrolled.”

5. Invalid elections—The principal Act is hereby further amended by inserting, after section 55, the following section:

“55A. Where in the opinion of the Governor-General irregularities have occurred in respect of any election under this Act which it would not be proper or desirable to validate under section 55 hereof, he may, by Order in Council, declare any such election to be invalid and make such provisions as he thinks fit for the holding of a fresh election.”

This Act is administered in the Department of Maori Affairs.
