

Regulations

1 Title and commencement

- (1) These regulations may be cited as the Maori Occupation Orders Regulations 1994.
- (2) These regulations shall come into force on the 28th day after the date of their notification in the *Gazette*.

2 Interpretation

In these regulations, unless the context otherwise requires,—

the Act means Te Ture Whenua Maori Act 1993

Maori incorporation means a body corporate that is established under Part 13 of the Act, or that was established under or continued in existence by the provisions of Part 4 of the Maori Affairs Amendment Act 1967 and is still in existence

occupation order means an order made by the court under section 328 of the Act

parent block means, in relation to any land to which an application for an occupation order relates, land for which there is separate title or administration and of which the land to which the application relates forms part.

3 Application for occupation order

- (1) Every application for an occupation order shall include,—
 - (a) the full name of the applicant; and
 - (b) particulars of the applicant's beneficial interest, or entitlement to succeed to the beneficial interest, in the land to which the application relates; and
 - (c) where the application relates to the site of an existing house, the names and addresses of the persons who occupied the house immediately before the making of the application; and
 - (d) the names and addresses of any mortgagee or other chargeholder in relation to the land to which the application relates; and
 - (e) the names and addresses of any lessees or other occupiers of the land to which the application relates.
- (2) Every application for an occupation order in relation to any land shall be accompanied by—
 - (a) a sketch plan giving full details of the parent block and showing the location and boundaries of the land to which the application relates and the location of the house or the proposed house; and
 - (b) where the land to which the application relates is land in respect of which a trust is constituted under Part 12 of the Act or land vested in a

Maori incorporation, the written consent of the trustees or the written consent of the management committee of the Maori incorporation, as the case may require; and

- (c) particulars of the title to the land to which the application relates and, where that land is subject to the Land Transfer Act 2017, a current copy of the record of title.

Regulation 3(2)(c): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

4 Directions

- (1) Where an application is made for an occupation order, the Maori Land Court shall give such directions as to the further conduct of the application as the Maori Land Court thinks fit.
- (2) Nothing in this regulation limits the provisions of Part 3 of the Maori Land Court Rules 1994 (SR 1994/35).

5 Notice of application

- (1) The applicant shall—
 - (a) where the land to which the application relates is land in respect of which a trust is constituted under Part 12 of the Act, send a copy of the application to the trustees; and
 - (b) where the land to which the application relates is land vested in a Maori incorporation send a copy of the application to the Maori incorporation; and
 - (c) give to the owners of the land to which the application relates such notice of the application, whether by way of public notice in a newspaper or otherwise, as the Maori Land Court directs; and
 - (d) comply with any other directions given to the applicant by the Maori Land Court.
- (2) Nothing in this regulation limits the provisions of Part 3 of the Maori Land Court Rules 1994 (SR 1994/35).

6 Requirements in relation to making of occupation order

The Maori Land Court, in making an occupation order, shall—

- (a) specify the date upon which the occupation order shall take effect;
- (b) specify the area of the land to which the occupation order relates;
- (c) specify any consideration payable, and the time and manner of payment of such consideration, in relation to the occupation order.

Marie Shroff,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 15 September 1994.

Reprints notes

1 *General*

This is a reprint of the Maori Occupation Orders Regulations 1994 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*

Land Transfer Act 2017 (2017 No 30): section 250