



Māori Land Court Fees Regulations 2013

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 20th day of May 2013

Present:

His Excellency the Governor-General in Council

Pursuant to section 96 of Te Ture Whenua Maori Act 1993, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Regulations

1 Title

These regulations are the Māori Land Court Fees Regulations 2013.

2 Commencement

These regulations come into force on 1 July 2013.

3 Interpretation

In these regulations, unless the context otherwise requires,—
applicant means the person by whom or on whose behalf a proceeding is brought

proceeding means any proceeding in the court, and includes—

- (a) any application made to the court or the Registrar under Te Ture Whenua Maori Act 1993 for any purpose;
- (b) any action or matter referred to in the Schedule.

4 Application

These regulations apply to all proceedings.

5 Fees

- (1) The fees specified in the Schedule are payable for proceedings to which these regulations apply.
- (2) The court must not accept an application initiating a proceeding unless the fee prescribed for that proceeding has been paid.
- (3) This regulation is subject to regulations 6 and 7(1).

6 No fee payable by Registrar

No fee is payable for a proceeding initiated by the Registrar.

7 Power to refund, remit, or reduce fees

- (1) A Judge or Registrar of the court may, if he or she is satisfied that 1 or more of the grounds in subclause (2) apply,—
 - (a) remit, refund, or reduce any fee payable under these regulations in respect of a proceeding; or

- (b) remit (in whole or in part) any outstanding fee incurred before the commencement of these regulations in respect of a proceeding.
- (2) The power in subclause (1) may be exercised on the following grounds:
- (a) the applicant is unable to pay; or
- (b) the applicant should not be called on to pay; or
- (c) due to lapse of time, or for any other reason, the fee is not recoverable.
- (3) The court or any Judge or Registrar may decline to hear or consider any proceeding in respect of which there are outstanding fees, whether the fees were incurred by the applicant or by any other person and whether the fees were incurred before the commencement of these regulations or not.

8 GST included

The fees prescribed by these regulations are inclusive of goods and services tax.

9 Revocation

The Maori Land Court Fees Regulations 1993 (SR 1993/175) are revoked.

Schedule

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Fees payable for proceedings in Māori Land Court

Part 1

General jurisdiction of court

	Section of Te Ture Whenua Maori Act 1993	Fee (\$)
1 Filing an application in respect of the following:		
(a) hearing and determining any claim to recover damages from trespass or any other injury to Māori freehold land	18(1)(c)	200

Part 1—*continued*

	Section of Te Ture Whenua Maori Act 1993	Fee (\$)
(b) hearing and determining any proceeding founded on contract or tort where debt, demand, or damage relates to Māori freehold land	18(1)(d)	200
(c) any other determination under section 18 of Te Ture Whenua Maori Act 1993	18(1)(a), (b), (e) to (i)	60
(d) hearing and determining any proceeding for recovery of Māori freehold land	20	200
(e) exercise of powers under the Property Law Act 2007 in relation to Māori freehold land	21, 22, 23, 24	200
(f) exercise of powers under the Fencing Act 1978 in relation to Māori freehold land	26	200
(g) directing the holding of a conference	67(1)	60

Part 2

Māori fisheries and aquaculture

	Section of Te Ture Whenua Maori Act 1993	Fee (\$)
2 Filing an application in respect of the following:		200
(a) advice on disputes referred under the Maori Fisheries Act 2004	26B	
(b) hearing and determining disputes referred under the Maori Fisheries Act 2004	26C	
(c) advice on disputes referred under the Maori Commercial Aquaculture Claims Settlement Act 2004	26P	
3 Lodging an objection to proposed taiapure-local fishery under section 180(1) of the Fisheries Act 1996	—	200
4 Filing an application for referral of dispute under section 54 of the Māori Commercial Aquaculture Claims Settlement Act 2004	—	200

Part 3 Succession

	Section of Te Ture Whenua Maori Act 1993	Fee (\$)
<i>Administration of estates</i>		
5 Filing an application in respect of the following:		60
(a) succession to an occupation order	109A	
(b) interests in General land of deceased Māori	111	
(c) transmission of Māori land to administrator	112	
(d) determination of beneficial entitlements to Māori land	113	
(e) succession to Māori land on intestacy where no person primarily entitled	114	
(f) determination in relation to recognition or entitlements of whāngai	115	
(g) conferral of right to income from beneficial interest in Māori freehold land	116	
(h) vesting in beneficiaries following grant of administration	117	
(i) vesting in beneficiaries where no grant of administration	118(1)	
(j) vesting of occupation order	119A	
(k) determination of legal entitlement to shares in Māori incorporation	121(2)	
<i>Other applications relating to succession</i>		
6 Filing an application in respect of the following:		20
(a) succession to Titi Islands interests under the Maori Purposes Act 1983	–	
(b) any application brought under the Maori Affairs Amendment Act 1967 or the Maori Affairs Act 1953	100(2)	
(c) vesting of Māori freehold land if Part 4 of Te Ture Whenua Maori Act 1993 does not apply	100(2)(e)	
(d) vesting of additional interests in Māori freehold land	118(6)	
(e) Registrar noting extinguishment or surrender of interest for life or until remarriage	127(2)	
(f) vesting interests held in representative capacity	165	

Part 4 Alienations

	Section of Te Ture Whenua Maori Act 1993	Fee (\$)
7 Filing an application in respect of the following:		
(a) alienation by trustees	150A	20
(b) alienation by Māori incorporation	150B	20
(c) alienation by other owners	150C	20
(d) certificate of confirmation of alienation issued by Registrar	160	20
(e) confirmation of alienation by court	151	200
(f) restoration of effect of lost instrument of alienation	25	200
<i>Vesting orders</i>		
8 Filing an application in respect of the following:		
(a) vesting land on change of ownership and declaring that land as Māori freehold land	134	200
(b) exemption from providing special valuation of Māori freehold land	158	20
(c) vesting order for transfer of Māori freehold land or any interest in Māori freehold land	164	60
(d) re-vesting of land vested in Māori Trustee under section 70(1) of the Maori Vested Lands Administration Act 1954	–	60
(e) vesting of township land in owners under section 87(1) of the Maori Reserved Land Act 1955	–	60

Part 5 Assembled owners or agents

	Section of Te Ture Whenua Maori Act 1993	Fee (\$)
9 Filing an application in respect of the following:		
(a) calling a meeting of owners	173	200
(b) confirmation of resolution passed at informal family gathering	176	200
(c) review of meeting of assembled owners	178	200
(d) notice to owners of Māori land served on Registrar	181	200

Part 5—*continued*

	Section of Te Ture Whenua Maori Act 1993	Fee (\$)
(e) appointment of agent	183, 185	60
(f) call for account from agent	189	60
(g) calling for meeting of assembled owners to consider execution of renewal of lease	196(3)	200
(h) termination of appointment of agent	191(1A)	60

Part 6
Trusts

	Section of Te Ture Whenua Maori Act 1993	Fee (\$)
<i>Constitution of trusts</i>		
10 Filing an application in respect of the following:		
(a) constituting a trust (patea, whānau, ahu whenua, or whenua topu)	212, 214 to 216	60
(b) constituting a kai tiaki trust	217	20
(c) empowering whānau or ahu whenua trust to apply trust income for Māori community purposes	214(4), 215(6)	20
(d) specifying the Māori community purposes for which land, money, and other assets of whenua topu trusts are to be held	216(5)	20
(e) order deeming specified interests vested in whenua topu trustees to be held for persons named in order	216(7)	60
(f) vesting of land and assets in trustees	220	60
(g) amalgamation of trusts	221	60
11 Registration of land in the name of a trust or tipuna	220A(6)	20
<i>Other applications relating to trusts</i>		
12 Filing an application in respect of the following:		
(a) directions on appointment of advisory trustees	224	60
(b) directions on jurisdiction in respect of custodian trusteeship	225	60
(c) authorisation of new ventures of trust	229	60

Part 6—*continued*

	Section of Te Ture Whenua Maori Act 1993	Fee (\$)
(d) review of trust	231	60
(e) review of kai tiaki trust	234	20
(f) enforcement of obligations of trust	238(2)	60
(g) addition, reduction, or replacement of trustees	239	60
(h) removal of trustee	240	60
(i) termination of trust	241	60
(j) order for payment of money held in trust	242	20
(k) order declaring land acquired by trustees to form corpus of trust	243	60
(l) variation of trust	244	60
(m) approval to apply trust income for charitable purposes	245	20
(n) review of trust constituted under section 438 of the Maori Affairs Act 1953	351	20
(o) any application under the Trustee Act 1956	—	60

Part 7

Māori incorporations

	Section of Te Ture Whenua Maori Act 1993	Fee (\$)
13 Filing an application in respect of the following:		
(a) order incorporating owners of Māori freehold land as Māori incorporation	247	200
(b) inclusion of owners of additional Māori land in incorporation	251	200
(c) amalgamation of incorporations	252	200
(d) acquisition of land by incorporation	256(2)	60
(e) determination relating to land held as an investment	256(4)	60
(f) removal of member of committee of management	269(4)	200

Part 7—*continued*

	Section of Te Ture Whenua Maori Act 1993	Fee (\$)
(g) investigation of conduct of election of member of committee of management	269(6)	200
(h) order directing special general meeting of shareholders	275(2)	200
(i) appointment of persons to investigate incorporation's affairs	280	200
(j) requiring officers to explain non-compliance with statutory requirements	281	200
(k) winding up of incorporation	282	200
(l) directions for liquidator in relation to winding up	282(6)	60
(m) leave to grant lease of land vested in incorporation	283(2)	60

Part 8

Title reconstruction and improvement

	Section of Te Ture Whenua Maori Act 1993	Fee (\$)
<i>Partitions</i>		
14 Filing an application in respect of the following:		
(a) partition order	289	200
(b) apportionment of rights and obligations upon partition	295	60
(c) dwelling site on Māori freehold land	296	60
(d) partition of combined areas of land	298	200
(e) cancellation of partition order	306	200
<i>Amalgamation, aggregation, and exchange orders</i>		
15 Filing an application in respect of the following:		200
(a) amalgamation order	307	
(b) aggregation order	308	
(c) exchange order	310	
<i>Easements and roadways, landlocked land</i>		
16 Filing an application in respect of the following:		200

Part 8—*continued*

	Section of Te Ture Whenua Maori Act 1993	Fee (\$)
(a) creation, cancellation, or variation of easement	315, 315A	
(b) order laying out a roadway	316	
(c) compensation in respect of roadway	319	
(d) recommendation that roadway be declared road or street	320, 321	
(e) variation or cancellation of roadway order	322	
(f) powers of court on cancellation of roadway	323	
(g) order closing road	324	
(h) vesting order for lands comprised in roads or streets	325	
(i) granting reasonable access to landlocked Māori land	326B	
<i>Other applications relating to titles</i>		
17 Filing an application in respect of the following:		
(a) order amending name given to land	125A	60
(b) amendment of existing title to include additional land	138	60
(c) occupation order	328	60
(d) amendment or cancellation of occupation order	330	60
(e) review of occupation order	330A	60
(f) order requiring a survey	332	20
(g) charging order for costs of survey	333, 336	60

Part 9

Māori reservations

	Section of Te Ture Whenua Maori Act 1993	Fee (\$)
18 Filing an application in respect of the following:		60
(a) recommendation that land be set aside as Māori reservation	338, 339	

Part 9—*continued*

	Section of Te Ture Whenua Maori Act 1993	Fee (\$)
(b) power of trustees to make application to the court for directions under regulation 8(c) of the Maori Reservations Regulations 1994	—	
(c) inquiry into the administration of a reservation under regulation 21 of the Maori Reservations Regulations 1994	—	

Part 10
**Applications under Māori Land Court Rules
2011**

	Provision of Māori Land Court Rules 2011	Fee (\$)
19 Filing an application in respect of the following:		20
(a) directions in case of doubt	rule 2.3(1)	
(b) review of Registrar's decision to refuse to accept an application for filing	rule 4.10(3)	
(c) directions from the court as to any aspect of notice or service	rule 4.16(1)	
(d) discovery of documents	rule 6.20(1)	
(e) summons to witness	rule 6.22(1)	
(f) taking evidence in another district	rule 6.24(1)	
(g) review of taxation of costs	rule 6.33(1)	
(h) review of Registrar's decision in respect of access to the permanent record	rule 7.21(6)	
(i) leave to adduce further evidence	rule 8.18(3)	
(j) search by Registrar of beneficial interests of a deceased person in Māori freehold land	rule 10.1	
20 Filing an application in respect of the following:		60
(a) cancelling an injunction	rule 9.9(1)	
(b) leave to appeal out of time	rule 8.14	

Part 11 Rating of Māori freehold land

	Section of Local Government (Rating) Act 2002	Fee (\$)
21 Filing an application in respect of the following:		
(a) charging order for unpaid rates	99	200
(b) charging order in favour of owner paying rates	103	60
(c) enforcement of charging order that remains unsatisfied for 6 months	108	60
(d) order for payment of unpaid rates by Māori Trustee or other person entitled to money from land	111	60
(e) recommendation that Māori freehold land be exempt from some or all liability for rates	116	60

Part 12 Miscellaneous

	Section of Te Ture Whenua Maori Act 1993	Fee (\$)
<i>Applications to Chief Judge</i>		
22 Filing an application in respect of the following:		
(a) advice on or determination of appropriate representatives of Māori groups	30	200
(b) correction by Chief Judge of mistake or omission	45	200
(c) transmission of injunction to High Court	85	60
<i>Noting of records and other documents made under Acts</i>		
23 Filing an application in respect of the noting of any record, certificate, declaration, Order in Council, instrument, permit, consent, or notice under the—		20
(a) Forests Act 1949	—	
(b) Land Transfer Act 1952	—	
(c) Government Roding Powers Act 1989	—	
(d) Maori Affairs Restructuring Act 1989	—	
(e) Crown Minerals Act 1991	—	

Part 12—*continued*

	Section of Te Ture Whenua Maori Act 1993	Fee (\$)
(f) Resource Management Act 1991	–	
(g) Historic Places Act 1993	–	
(h) Climate Change Response Act 2002	–	
(i) Building Act 2004	–	
<i>Payment of money</i>		
24 Filing an application in respect of the following:		
(a) transmission of order for payment of money to a District Court	81	60
(b) charging order for enforcing court order for payment of money	82	60
(c) appointment of receiver to enforce charges	83	60
<i>Other</i>		
25 Filing an application in respect of the following:		
(a) determination of status of land	131	20
(b) order declaring General land to be Māori freehold land	133	20
(c) amendment of order, warrant, record, or other document to give effect to true intention of court	86	20
(d) amendment of names of land owners in court records and titles	87	20
(e) investigation of title to Māori customary land	132	200
(f) investigation of conduct and result of election under section 53A of the Maori Trust Boards Act 1955	–	200
(g) injunction order	19	200
(h) ordering a rehearing	43	60
(i) establishing ownership of taonga tūturu under Part 2 of the Protected Objects Act 1975	–	200
(j) notice of appeal to Māori Appellate Court	58	350
(k) appeal against provisional or preliminary determination of Māori Land Court	59	350

Part 12—*continued*

	Section of Te Ture Whenua Maori Act 1993	Fee (\$)
(l) enforcement of obligations of trust under section 80(2) of the Maraeroa A and B Blocks Claims Settlement Act 2012	—	60
(m) order for name to be included in roll of beneficiaries under section 13(4) of the Orakei Act 1991	—	60
(n) order vesting land (or interest in land) acquired by Māori Trustee in persons or body corporate beneficially interested under section 39(5) of the Māori Trustee Act 1953	—	60
(o) determination of use of audio-visual links in civil proceeding under section 7 of the Courts (Remote Participation) Act 2010	—	20
26 Filing an application in relation to the Wi Pere Trust under section 2 of the Maori Purposes Act 1991	—	20
27 Filing an application under any section of Te Ture Whenua Maori Act 1993 not specifically mentioned in this schedule	—	60
28 Filing an application under any legislative provision (not being Te Ture Whenua Maori Act 1993) not specifically mentioned in this schedule	—	200
29 Copying any document in the permanent record of the court—		
(a) for each black and white page	—	0.20
(b) for each colour page	—	0.40

Rebecca Kitteridge,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 July 2013, prescribe fees for proceedings in the Māori Land Court and the Māori Appellate Court. The regulations also allow a Judge or Registrar to remit, refund, or reduce fees in certain circumstances.

These regulations revoke the Maori Land Court Fees Regulations 1993.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 23 May 2013.

These regulations are administered by Te Puni Kōkiri.
