

**Reprint
as at 1 July 2013**



Maori Land Court Fees Regulations 1993

(SR 1993/175)

Maori Land Court Fees Regulations 1993: revoked, on 1 July 2013, by regulation 9 of the Māori Land Court Fees Regulations 2013 (SR 2013/219).

Catherine A Tizard, Governor-General

Order in Council

At Wellington this 14th day of June 1993

Present:

Her Excellency the Governor-General in Council

Pursuant to section 96 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 section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

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 Land Court Fees Regulations 1993.
- (2) These regulations shall come into force on 1 July 1993.

2 Interpretation

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

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

proceeding means any proceeding in the court; and includes—

- (a) any application made under Te Ture Whenua Maori Act 1993 to the court or to the Registrar for any purpose; and
- (b) any action or matter referred to in any of Parts 1 to 4 of the Schedule

Registrar includes a Deputy Registrar.

3 Application

These regulations apply to all proceedings.

4 Fees

- (1) The fees specified in Parts 1 to 3 of the Schedule are the fees to be paid in respect of the proceedings specified in those Parts.
- (2) Subject to regulations 5 and 6(1), no application initiating a proceeding shall be received by the court or by the Registrar unless the fee prescribed in relation to that proceeding has been paid.

5 Matters in respect of which no fee is payable

- (1) No fee is payable in respect of the inspection, by any member of the public, of any register kept by the court in relation to a Maori incorporation or of any documents required to be filed with the court by any Maori incorporation.
- (2) No fee is payable in respect of the proceedings referred to in Part 4 of the Schedule.

6 Power to refund, remit, or reduce fees

- (1) A Judge or Registrar of the court may, in respect of any proceeding,—
 - (a) remit, refund, or reduce any fee payable under these regulations in respect of that proceeding; or
 - (b) remit (in whole or in part) any outstanding fee incurred before the commencement of these regulations in respect of that proceeding,—if the Judge or Registrar is satisfied that the applicant is unable to pay or ought not be called upon to pay, the fee or by reason of lapse of time or for any other reason the fee has become irrecoverable.
- (2) Any exercise of the power given by subclause (1) shall be noted in the minute book, or upon the application or other document affected.
- (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 such fees were incurred by the applicant or by any other person and whether such fees were incurred before the commencement of these regulations or not.

7 Witnesses' allowances and expenses

Every person attending the court upon a witness summons and every other person attending the court and giving evidence in any proceeding shall be entitled, as against the party summoning him or her or calling him or her as a witness, to payment of allowances and expenses in accordance with the Witnesses and Interpreters Fees Regulations 1974 (SR 1974/124).

8 Goods and services tax included

The fees fixed by these regulations are inclusive of any goods and services tax payable under the Goods and Services Tax Act 1985.

9 Revocations

- (1) *Amendment(s) incorporated in the Act(s).*
- (2) The Maori Land Court Rules 1958, Amendment No 5 and the Maori Land Court Rules 1958, Amendment No 7 are hereby consequentially revoked.

10 Transitional provision

No further fee shall be payable under the Maori Land Court Rules 1958 in respect of any proceeding commenced before 1 July 1993 and the appropriate fees, if any, specified in the Parts 1 to 3 of the Schedule shall be payable in respect of any step in any such proceeding taken on or after that date.

**Schedule
Fees**

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Part 1

A fee of \$25 is payable in respect of each of the following proceedings:

Nature of proceeding	Section of Te Ture Whenua Maori Act 1993
Determination of whether any person is a Maori or the descendant of a Maori	18(1)(e)
Amendment of court ownership records	87
Confirmation or noting by Registrar	160, 161, 255
Empowering whanau trustees to apply trust income for Maori community purposes	214(4)
Empowering ahu whenua trustees to apply trust income for Maori community purposes	215(6)
Empowering whenua topu trustees to hold land, money, and other assets for Maori community purposes specified by court	216(5)
Order deeming specified interests vested in whenua topu trustees to be held for the persons named in the order	216(7)
Constitution of a kai tiaki trust	217
Approval for trustees to apply funds for specified purpose	218(2)(d)
Order for payment of money held in trust	242
Vesting order to provide dwelling site	296
Registration of memorial of assignment under the Maori Vested Lands Administration Act 1954 or the Maori Reserved Land Act 1955	—
Any certificate, other than a certificate of confirmation, given by a Judge or Registrar	105(5), 181(2), 183(2)

Part 2

A fee of \$122 is payable in respect of each of the following proceedings:

Nature of proceeding	Section of Te Ture Whenua Maori Act 1993
Claim for damages for trespass or other injury to Maori freehold land	18(1)(c)
Proceeding founded on contract or on tort where the debt, demand, or damage relates to Maori freehold land	18(1)(d)
Application for issue of order by way of injunction	19
Proceeding for recovery of Maori freehold land	20
Relief against forfeiture	21
Relief against refusal to grant renewal	22
Authority to enter Maori freehold land to erect or repair buildings	23
Relief in cases of encroachment	24
Order to restore effect of lost instrument of alienation	25
Proceeding under the Fencing Act 1978	26
Application for a rehearing	43
Application to Chief Judge to correct mistake or omission in court order	44, 45
Appeal from Maori Land Court to Maori Appellate Court	58
Appointment of a receiver	83
Investigation of title to Maori customary land	132
Vesting order declaring that land shall become Maori freehold land	134
Application to court for confirmation of alienation	151
Application to court for calling of meeting of assembled owners	173, 196(3)

Part 2—*continued*

Nature of proceeding	Section of Te Ture Whenua Maori Act 1993
Application to court for confirmation of resolution of assembled owners	175, 176
Application to Registrar for certificate	181(2)
Application to court for appointment of an agent for owners	183, 184, 185
Establishment of a Maori incorporation	247
Inclusion in Maori incorporation of owners of additional land	251
Amalgamation of Maori incorporations	252
Removal from office of member of committee of management	269(4)
Investigation of conduct of election of any member of committee of management	269(6)
Order directing special general meeting of shareholders	275(2)
Appointment of examining officer	280
Winding up of Maori incorporation	282
Application by liquidator to court for directions	282(6)
Partition order	289
Partition of combined areas	298
Cancellation of partition order	306
Amalgamation order	307
Aggregation order	308
Exchange order	310
Easement	315

Part 2—*continued*

Nature of proceeding	Section of Te Ture Whenua Maori Act 1993
Laying out of roadway	316
Variation or cancellation of a roadway order	322

Part 3

A fee of \$61 is payable in respect of any proceeding not mentioned in Part 1 or Part 2 or Part 4.

Part 4

No fee is payable in respect of the following proceedings:

Nature of proceeding	Section of Te Ture Whenua Maori Act 1993
Reference of matter to court for inquiry and report	29
Request to Maori Land Court for advice or determination as to persons who are the most appropriate representatives of class or group of Maori	30
Status order	133
Discharge of agent	191(1)(c)
Review of trust	231
Review of kai tiaki trust	234
Lease of land by liquidator	283(2)
Cancellation of vesting order	296(4)
Survey order	332(1)(b)
Application for a Maori reservation	339
Review of section 438 trust	351

Reprinted as at
1 July 2013

Maori Land Court Fees Regulations 1993 Explanatory note

Bob MacFarlane,
Acting for 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 1993, prescribe a new scale of court fees in respect of matters before the Maori Land Court or the Maori Appellate Court.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 17 June 1993.

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 - 2 Status of reprints
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Notes

1 *General*

This is a reprint of the Maori Land Court Fees Regulations 1993. The reprint incorporates all the amendments to the regulations as at 1 July 2013, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*

Māori Land Court Fees Regulations 2013 (SR 2013/219)
