

Reprint
as at 1 March 2017



Māori Land Court Rules 2011

(SR 2011/374)

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 10th day of October 2011

Present:

His Excellency the Governor-General in Council

Pursuant to section 95 of Te Ture Whenua Maori Act 1993, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, and with the concurrence of the Chief Judge of the Māori Land Court and at least 2 of the other members of the Rules Committee, makes the following rules.

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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.

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Rules

Part 1 Title and commencement

1.1 Title

- (1) These rules are the Māori Land Court Rules 2011.
- (2) These rules are also known as Nga Ture O Te Kooti Whenua Māori 2011.
Compare: SR 1994/35 r 1

1.2 Commencement

These rules come into force on 1 December 2011.

Part 2

Using these rules

2.1 What these rules do

These rules set out—

- (a) how the Court works—when and where it sits, its management of documents, and how the proceedings in the Court are publicly notified; and
- (b) how proceedings in the Court are dealt with, from making the initial application through to its conclusion; and
- (c) how appeals are heard by the Māori Appellate Court.

2.2 Objectives of these rules

- (1) The objectives of these rules are to—
 - (a) facilitate access to the Court; and
 - (b) secure the just, speedy, and inexpensive dispatch of the business of the Court.
- (2) These rules must be applied in a way that best furthers their objectives.
- (3) Any proceeding or procedure before the Court or the Māori Appellate Court for which these rules do not provide must be dealt with in a way that best furthers the objectives of these rules.

2.3 What happens when there is doubt about how these rules apply

- (1) If a person is in doubt about how these rules apply,—
 - (a) that person may at any time apply to the Court for directions; and
 - (b) that person need not give notice of the application; and
 - (c) a Judge or the Registrar may give directions.
- (2) A Judge may also give directions on his or her own initiative in a proceeding or on a review under rule 2.3(4).
- (3) Directions given under this rule must be consistent with the other rules and with the Act.
- (4) If a person has obtained directions from the Registrar and is dissatisfied with them, that person may require that the directions be reviewed by a Judge.

Compare: SR 1994/35 rr 6, 56

2.4 Complying with these rules

- (1) The Court must ensure compliance with these rules.
- (2) However, in a particular case the Court may excuse compliance with a rule if it is satisfied, having regard to the matters listed below, that compliance would be oppressive or otherwise inappropriate:
 - (a) the purpose of the rule:

- (b) the consequences of the non-compliance for a party or any other person affected by it:
 - (c) the fairness of requiring compliance or otherwise.
- (3) Non-compliance with a rule does not in itself invalidate any proceeding or step in a proceeding, or document, decision, or order issued or made, under these rules.
- (4) Unless the Court has excused non-compliance with a rule, the Court may at any time in a proceeding—
- (a) set aside the proceeding for non-compliance; or
 - (b) make any other appropriate order for addressing the non-compliance.
- (5) Nothing in this rule prevents an application or an appeal to a court of competent jurisdiction or an application to the Chief Judge under section 45 of the Act challenging the validity of an order of the Court on the ground of non-compliance with these rules.

Compare: SR 1994/35 r 2(3)

2.5 Interpreting these rules

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

Act means the Act known both as Te Ture Whenua Maori Act 1993 and as the Maori Land Act 1993

application includes a proceeding

chief executive means the chief executive of Te Puni Kōkiri

Chief Judge means the Chief Judge of the Court appointed under section 8(1) of the Act

Chief Registrar means the person appointed as Chief Registrar by the Ministry of Justice

contact address means an address where service may be made or notices sent; and may include a fax number or an electronic address

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

Deputy Chief Judge means the Deputy Chief Judge of the Court appointed under section 8(1) of the Act

district means a Māori Land Court district constituted under section 15(1) of the Act

electronic communication means a transmission by electronic means; and includes a fax or email but excludes a text message

form means a form contained in the Schedule

information system means a system for producing, sending, receiving, storing, or displaying data or processing electronic communications; and includes any electronic system supporting the operation of the Court and its registry

Judge means a Judge of the Māori Land Court; and includes the Chief Judge and the Deputy Chief Judge

Māori Land Court Panui or **Panui** means the document described in rule 3.9

Minister means the Minister of Māori Affairs

party—

- (a) means any person who—
 - (i) has made an application to the Court; or
 - (ii) is named as a respondent or party to the proceedings; or
 - (iii) is a person materially affected who elects to take or does take part in the proceedings; and
- (b) includes a trustee in respect of a person referred to in paragraph (a)

person materially affected means any person whose rights or interests in any property may be materially affected by a proceeding

preferred alienee, in relation to any alienation (other than an alienation of shares in a Māori incorporation), means a member of the preferred classes of alienees in relation to that alienation

proceeding includes any step for obtaining a decision of the Court or a Registrar

Registrar means a Registrar of the Māori Land Court; and, unless the context otherwise requires, includes the Chief Registrar and a Deputy Registrar

roll valuation means a current roll valuation evidenced by a copy of the current rating roll or by other evidence satisfactory to the Court

special Panui means the document referred to in rule 3.16 or 3.17

special sitting means a sitting referred to in rule 3.7

special valuation means a valuation made under section 158 of the Act

survey means a survey that—

- (a) complies with Part 5 of the Cadastral Survey Act 2002; or
- (b) has been approved under rules or regulations in force before the commencement of that Act

survey plan means a cadastral survey dataset, as defined in section 4 of the Cadastral Survey Act 2002, that—

- (a) complies with Part 5 of the Cadastral Survey Act 2002; or
- (b) has been approved under rules or regulations in force before the commencement of that Act

working day has the same meaning as in section 29 of the Interpretation Act 1999.

- (2) Any term or expression that is defined in the Act and used, but not defined, in these rules or the forms in the Schedule has the same meaning as in the Act.
- (3) A reference in these rules to a numbered form is a reference to the corresponding numbered form in the Schedule.

Part 3 **How Court works**

Court offices, hours, and sittings

3.1 Court offices

- (1) The Court must have an office in each district.
- (2) Each office of the Court must be situated at the place determined by the Minister.
- (3) The Court may establish a separate office for the Chief Registrar.
Compare: SR 1994/35 r 7(1), (2)

3.2 Office hours

Each office of the Court must be open from 10 am to 4 pm on working days.
Compare: SR 1994/35 r 8

3.3 Chief Judge must decide when and where Court sits

- (1) In September of each year, the Registrar of each district must, after consulting the Judge or Judges for that district, compile a schedule of the proposed sittings of the Court in that district for the next calendar year, containing—
 - (a) the times and dates when the Court will sit; and
 - (b) the place or places where the Court will sit; and
 - (c) the closing dates for each monthly Panui.
- (2) The Registrar of each district must forward a copy of the schedule for that district to the Chief Judge and the Chief Registrar not later than 30 September.
- (3) Before 20 October in each year, the Chief Judge, after consulting the Chief Registrar, must finally decide the following:
 - (a) the schedule of sittings for each district; and
 - (b) the sitting dates for the Māori Appellate Court.
Compare: SR 1994/35 r 9(1), (4)

3.4 Schedule of sittings: all districts

- (1) The Chief Registrar must prepare a schedule that contains,—

- (a) for all districts, the times, dates, and places of sitting as decided by the Chief Judge under rule 3.3(3); and
 - (b) the closing dates for each monthly Panui; and
 - (c) the sitting dates for the Māori Appellate Court.
- (2) The Chief Registrar must ensure that the schedule is published with or included in all Panui issued in the 12-month period beginning with December following the Chief Judge's decision under rule 3.3(3).

Compare: SR 1994/35 r 30(1)

3.5 Court must sit in accordance with schedule

- (1) Ordinary sittings of the Court must be held in accordance with the schedule prepared and published under rule 3.4, except where a sitting is adjourned or otherwise rescheduled or cancelled under rule 3.8.
- (2) The Chief Judge, after consulting the Chief Registrar, may direct that additional ordinary sittings be held, in which case the times, dates, and places of those sittings must be included in the monthly Panui.

3.6 Deputy Chief Judge may exercise powers and perform functions of Chief Judge under this Part

The Deputy Chief Judge may exercise the powers and perform the functions of the Chief Judge under this Part if authorised to do so by the Chief Judge.

3.7 Special sittings

- (1) A Judge may at any time fix a time, date, and place for a special sitting of the Court to hear and decide any 1 or more applications.
- (2) The time, date, and place of a special sitting of the Court must be notified in at least 1 Panui published before the date of the sitting unless,—
 - (a) under rule 4.14 or 4.19, notice of the sitting is not required; or
 - (b) a Judge has directed under rule 6.10 that notice in a Panui is not required; or
 - (c) the sitting is notified in a special Panui published in accordance with rule 3.16.

Compare: SR 1994/35 r 9(5)

3.8 Adjournment, rescheduling, or cancellation of sitting

- (1) At any time before a sitting of the Court or of the Māori Appellate Court, a Judge may—
 - (a) adjourn the sitting to a time, date, and place to be decided; or
 - (b) reschedule the sitting for a specified, time, date, and place; or
 - (c) cancel the sitting.

- (2) Any person authorised to do so by the Chief Judge or the presiding Judge may open or adjourn any sitting of the Court.
- (3) After the commencement of a sitting of the Court or of the Māori Appellate Court, the presiding Judge (or, if the presiding Judge is absent, any officer of the Court authorised by the presiding Judge to do so) may adjourn the sitting, or part of the sitting, or part or parts of the business notified to be dealt with at the sitting, to—
 - (a) a time, date, and place to be decided; or
 - (b) a specified time, date, and place.
- (4) The Registrar must—
 - (a) ensure that the relevant parties and any other materially affected persons are notified of an adjournment, rescheduling, or cancellation under this rule by direct notice, publication in the next available Panui, or other appropriate means; and
 - (b) comply with any directions given by a Judge in that regard.

Compare: SR 1994/35 r 10

Panui

3.9 Māori Land Court Panui

The Māori Land Court Panui (the **Panui**) is a monthly schedule of applications, appeals, and other matters to be heard at all Māori Land Court and Māori Appellate Court sittings in the month to which the Panui relates.

3.10 Form of Panui

- (1) The Panui must contain the information set out in rules 3.12 to 3.15.
- (2) The Panui must be in printed form and may also be published by electronic means.

3.11 Compilation and publication of Panui

- (1) The Chief Registrar must ensure that there is published a Panui for each month of the year.
- (2) The Panui must be published and distributed not less than 15 days before the date of any sitting of the Court that is notified in it.
- (3) The Panui may be published in conjunction with, or may be incorporated in, any other publication.

3.12 General information

The Panui must contain the following general information:

- (a) a list of each Court sitting separately under the name of the district responsible for the sitting:

- (b) the location of each Court and the hours that it is open.

Compare: SR 1994/35 r 6

3.13 Information required for sittings in month to which Panui relates

The Panui must include, for sittings in the month to which it relates, the following information about each application and appeal to be heard at those sittings:

- (a) the name of the applicant or appellant:
- (b) the name of any other party named in the application or appeal:
- (c) the name of any land or block that is the subject of an application for change of status:
- (d) the name of any land or block that is the subject of an application (other than an application for change of status) except that where there are multiple blocks at least one block must be named and that name may be followed by the words “and other blocks”:
- (e) in the case of succession, the name of the deceased person:
- (f) in the case of an application for the appointment, replacement, or removal of a trustee, the name of the trustee:
- (g) in the case of an application for vesting or confirmation of alienation, the names of the alienor and alienee:
- (h) a brief description of the purpose or effect of the application or appeal:
- (i) in the case of an application, a citation and brief summary of the statutory provision under which the application is made:
- (j) in the case of an application for which a hearing has been set, the time, date, and venue of the hearing:
- (k) the location and hours of business of the Court office where the application or appeal and any supporting documents are available for inspection:
- (l) any other information directed by the Court to be included in respect of the application or appeal.

3.14 Information relating to applications without notice

The Panui must also include the following information in relation to applications made without notice:

- (a) the information required to be notified in the Panui under rules 6.6 and 6.7:
- (b) where directed by the Court, the particulars of an application made without notice.

Compare: SR 1994/35 r 37

3.15 Other information

- (1) The Panui must also include the following information:
 - (a) in a separate list and under the heading “Applications not ready for hearing”, details of each application received by the Court before the closing date of the current Panui that has not been set down for hearing or otherwise notified in a Panui;
 - (b) a list of any applications for succession, whanau trust, or kai tiaki trust as provided for in rule 5.2;
 - (c) in accordance with rule 5.3, details of any application filed in the office of the Chief Registrar;
 - (d) details of any application since the closing date of the previous Panui that has been dismissed under rule 6.28 for failure to prosecute;
 - (e) notice to owners of Māori land of the most recent schedule compiled under rule 5.11 and advice on how to access it on the Court’s Internet site;
 - (f) details of any special Panui in accordance with rules 3.16(5) and 3.17(3);
 - (g) any other notices relating to the work of the Court that the Chief Judge directs must be published in the Panui.
- (2) An application referred to in rule 3.15(1)(a) (other than an application to the Chief Judge) that has been notified in a Panui is not required to be notified again in a Panui unless—
 - (a) a hearing has been set; or
 - (b) a Judge so directs.

3.16 Special Panui for special sittings

- (1) This rule applies when a Judge has fixed a special sitting under rule 3.7.
- (2) If the special sitting is required to be notified but cannot be notified in a monthly Panui, the Registrar must ensure that there is published a special Panui giving notice of the sitting.
- (3) A special Panui must—
 - (a) be in printed form and may be in electronic form; and
 - (b) state the Court in which the special sitting will be held; and
 - (c) state the time, date, and place of the special sitting; and
 - (d) contain as much of the information that is required by rule 3.13 as relates to the matter or matters to be heard at the special sitting.
- (4) Subject to the directions of a Judge, the Registrar must distribute the special Panui to all persons interested in, or who may be materially affected by, the matter or matters to be heard at the special sitting.

- (5) Details of the special Panui, including the information specified in rule 3.16(3), must be included in the first available monthly Panui after the special Panui is issued.

Compare: SR 1994/35 r 33

3.17 Special Panui for scheduled sitting omitted from monthly Panui

- (1) This rule applies where for any reason a scheduled sitting is not included in the next monthly Panui.
- (2) The Registrar of the Court in which the sitting is scheduled must—
 - (a) compile a special Panui that contains as much of the information specified in rule 3.13 as relates to the sitting; and
 - (b) distribute the special Panui in accordance with rule 3.16(4).
- (3) Details of the special Panui must be included in the first available monthly Panui after the special Panui is issued in the same manner as provided in rule 3.16(3).

3.18 Chief Registrar must arrange for notification in Panui

The Chief Registrar must arrange for all applications received in the office of the Chief Registrar to be notified in the Panui in accordance with rule 5.3 and for each application to continue to be so notified until it is disposed of or notified for hearing or for inquiry and report.

3.19 Registrar's schedule of details of sitting

- (1) The Registrar of the Court in each district must, following the closing date for any sitting in that Court, compile a schedule that—
 - (a) lists all applications set down for that sitting under rule 5.4, adjourned to that sitting, or otherwise set down for that sitting; and
 - (b) contains as much of the information specified in rules 3.12 to 3.15 as relates to that sitting.
- (2) The Registrar must forward the schedule to the Chief Registrar within 5 working days after that closing date.

3.20 Distribution of Panui

- (1) The Registrar of the Court in each district must compile, maintain, and regularly update a Panui mailing list for that district.
- (2) The Chief Registrar must compile, maintain, and regularly update a Panui national mailing list that incorporates the Panui district mailing lists.
- (3) The Chief Registrar must distribute the Panui to—
 - (a) all persons whose names appear in the Panui national mailing list; and
 - (b) any other person who requests the Panui under rule 5.8(2).

- (4) The Chief Registrar may distribute the Panui by electronic means at the option of the recipient.
- (5) The Chief Registrar must distribute by mail or electronically sufficient copies of the Panui to the following:
 - (a) each office of the Court:
 - (b) the Māori Trustee:
 - (c) Te Puni Kōkiri:
 - (d) Land Information New Zealand:
 - (e) other bodies representative of Māori including rūnanga, trust boards, urban Māori authorities, and the Māori Women's Welfare League.

Compare: SR 1994/35 r 35

Part 4

Making an application

4.1 How proceedings begin

- (1) Except for the proceedings listed in rule 4.1(2) and unless some other procedure is prescribed, every proceeding in the Court must begin with the filing of an application in accordance with these rules at any office of the Court.
- (2) The following proceedings must be filed in the office of the Chief Registrar:
 - (a) a request under section 26B of the Act for advice or a non-binding ruling in relation to a dispute under section 182(2) of the Maori Fisheries Act 2004 (*see* rule 15.6):
 - (b) an application for the determination under section 26C of the Act of a dispute under section 182 or 187 of the Maori Fisheries Act 2004 (*see* rule 15.7):
 - (c) an application under section 26C of the Act by Te Ohu Kai Moana Trustee Limited to deny or suspend recognition of a mandated iwi organisation in accordance with section 185 of the Maori Fisheries Act 2004 (*see* rule 15.8):
 - (d) a request under section 26P of the Act for advice or a non-binding ruling in relation to an aquaculture dispute in accordance with section 54(2) of the Maori Commercial Aquaculture Claims Settlement Act 2004 (*see* rule 15.4):
 - (e) an application for the determination under section 26Q of the Act of a dispute under the Maori Commercial Aquaculture Claims Settlement Act 2004 (*see* rule 15.5):
 - (f) a request under section 30(1)(a) of the Act for advice on the representation of a class or group of Māori (*see* rule 9.11):

- (g) an application under section 30(1)(b) of the Act for determination of the representation of a class or group of Māori (*see* rule 9.11):
- (h) an application under section 45 of the Act to the Chief Judge for the correction of a mistake or an omission (*see* rule 8.2):
- (i) notice of an appeal under section 58 of the Act (*see* rule 8.8):
- (j) an application for leave to appeal out of time (*see* rule 8.14).

4.2 Form of application or other proceeding

- (1) An application or other proceeding must be filed by using the appropriate form set out in the Schedule.
- (2) The general form of application (*see* form 1) must be used if these rules do not require a specific form to be used.
- (3) The form must be—
 - (a) completed as indicated on the form; and
 - (b) signed by the applicant or party bringing the proceeding, or by that person's solicitor on his or her behalf.
- (4) The form and any documents or information accompanying it may be in Māori or English or a combination of Māori and English.
- (5) The application or other proceeding must—
 - (a) comply with the specific requirements of the Act and these rules relating to the type of application or other proceeding in question; and
 - (b) be accompanied by the documents or information that are required by these rules.

4.3 How forms may be used

A form that must or may be used under these rules may be amended to fit the circumstances of a particular case.

Compare: SR 1994/35 r 5

4.4 Valuation

Unless the context requires otherwise, a requirement under these rules that a valuation be filed means,—

- (a) if a special valuation is stipulated, that a special valuation must be filed, unless an exemption from filing a special exemption has been granted; or
- (b) if a special valuation is not stipulated, that a special valuation or a roll valuation must be filed.

4.5 Details or evidence of whakapapa must be filed in certain cases

Unless the Court orders otherwise for reasons of confidentiality, the applicant in the following proceedings must file with the application sufficient details or evidence of whakapapa:

- (a) a proceeding in which the claim before the Court or the jurisdiction of the Court to decide the proceeding is founded on relationship through whakapapa:
- (b) a proceeding in which the Court is required to determine whether any specified person is a Māori or the descendant of a Māori:
- (c) a proceeding in which the Court is required to determine whether any person is a member of any of the preferred classes of alienees specified in section 4 of the Act:
- (d) a proceeding for determining questions of succession under Part 4 of the Act:
- (e) an application under section 151 of the Act for confirmation of an alienation of an interest in Māori freehold land where an alienee claims to be a member of the preferred classes of alienees:
- (f) an application for a vesting order under section 164 of the Act:
- (g) an application for an exchange order under section 310 of the Act.

4.6 Plan of land must be filed in certain cases

- (1) The applicant in the following proceedings must file a plan of land:
 - (a) a proceeding where a plan of land is necessary for understanding the nature and effect of the application:
 - (b) an application under section 24 of the Act for relief against encroachment:
 - (c) an application for a partition order under Part 14 of the Act:
 - (d) an application for the grant, cancellation, or variation of an easement under section 315 or 315A of the Act:
 - (e) an application for an order laying out a roadway under section 316 of the Act:
 - (f) an application for an order of reasonable access to landlocked Māori land under section 326B of the Act:
 - (g) an application for an occupation order under section 328 of the Act:
 - (h) an application for a recommendation by the Court under section 338 of the Act that a Māori reservation be set apart.
- (2) The plan—
 - (a) may be a sketch plan; and

- (b) must, if the application relates to part of a block of land, show the location of that part within the block and its dimensions.
- (3) In any proceeding where a plan of land has been filed, the Judge may direct that a better or more comprehensive plan be filed.

4.7 How proceeding must be filed

- (1) An application or other document must be filed in hard-copy form, by delivery, post, or fax to an office of the Court.
- (2) The Court may, with the approval of the Chief Judge and the Chief Registrar, introduce as an alternative to filing under rule 4.7(1) filing by any of the following methods:
 - (a) in electronic form, by means of an electronic communication or otherwise, to the official electronic or fax address of an office of the Court:
 - (b) online to the Court's official Internet site or to an Internet site specially established by the Court for online filing.
- (3) The Court may impose such terms and conditions as are appropriate for the proper management and administration of documents filed under rule 4.7(2).
- (4) A Judge may direct that the original of any document filed under rule 4.7(2) must be filed in or produced in Court.
- (5) The Court may without notice dismiss any proceeding that is not filed in accordance with this rule.

4.8 Time when document filed

- (1) An application or other document in hard-copy form is filed in an office of the Court when, during the Court's normal opening hours, it is actually received at the office of the Court.
- (2) An application or other document in electronic form is filed in an office of the Court—
 - (a) when it is received during the Court's normal opening hours by the Court's electronic information system; or
 - (b) if it is received by the Court's electronic information system outside the Court's normal opening hours, at 10 am on the next working day.
- (3) However, a document must be treated as not having been filed if the Registrar refuses to accept it under rule 4.10.

4.9 Filing fees

If an application fee is payable, the application must be accompanied by the fee.

4.10 Registrar may refuse to accept proceeding or other document for filing

- (1) A Registrar may refuse to accept for filing a proceeding or other document for any of the following reasons:
 - (a) it is illegible;
 - (b) if in electronic form, it cannot be opened;
 - (c) it does not comply with a requirement of these rules;
 - (d) it is not in the correct form;
 - (e) it is not accompanied by the prescribed fee;
 - (f) it is not accompanied by other information or documents required by these rules to be filed with it.
- (2) The Registrar must advise the person filing the proceeding or other document that it is refused and must state the reason for the refusal.
- (3) The party or person filing a proceeding or other document that has been refused for filing by the Registrar may apply in writing for the review of the Registrar's decision by a Judge, and a Judge must then determine the matter.

4.11 Proceeding brought by minor

- (1) A proceeding brought by a minor must be brought on the minor's behalf by a next friend who is not a person under any legal disability and whose interests are not adverse to or in conflict with those of the minor.
- (2) An application for the appointment of a next friend may be made—
 - (a) in writing in form 1; or
 - (b) orally in open court.
- (3) A Judge may decline to make an appointment if the Judge is not satisfied that the proposed next friend has the capacity and ability to properly represent the minor.
- (4) The provisions of these rules relating to notice and notification in the Panui do not apply to an application for the appointment of a next friend.
- (5) A next friend who brings a proceeding on behalf of a minor must complete and file—
 - (a) the proceeding in the name of the minor; and
 - (b) an undertaking in form 2 to pay any costs ordered against the minor that the minor fails to pay.
- (6) On the minor attaining the age of 18 years, the former minor may elect to continue the proceeding by—
 - (a) filing a written notice of election to continue the proceeding; and
 - (b) serving a copy of the notice on each of the other parties to the proceeding and on the next friend.

- (7) An election by a person under rule 4.11(6) frees the next friend from any liability for costs in the proceeding incurred after the election is made.
- (8) If the minor does not make an election when entitled under rule 4.11(6), the next friend may seek the leave of the Court to discontinue the proceeding.

Notice and service

4.12 Interpreting rules relating to notice

- (1) The following rules relating to notice—
 - (a) have the purpose of informing owners of Māori land and other parties materially affected of a proceeding under these rules and all stages of it; and
 - (b) recognise the difficulty in some cases of informing all the owners of Māori land owned by multiple owners; and
 - (c) must be interpreted in the light of rule 4.12(a) and (b).
- (2) A proceeding, or an order made in a proceeding, under these rules is not invalid merely because an owner of Māori land or other party materially affected has not been given notice of the proceeding or any step in the proceeding.

4.13 Application must be notified to other parties and persons materially affected

- (1) The applicant must notify the application to every person named in the application as a party and any other person materially affected by service on that person.
- (2) Service must be made in accordance with rules 4.15 and 4.22.
- (3) However, service by an applicant is not required—
 - (a) in relation to any person who consents in writing and without conditions to the granting of the application, unless a Judge directs that the person must be served; or
 - (b) to the extent that a Judge directs otherwise; or
 - (c) to the extent that any of the exceptions to notice and service in rules 4.14, 4.19, and 4.20 apply.

4.14 Exceptions to requirement of notice

- (1) Notice of an application under rule 4.13 is not required if,—
 - (a) under these rules, the application can be made or heard without a formal hearing or notice; or
 - (b) the application is an application to which rule 4.19(1) applies; or
 - (c) the application is subject to specific rules that exclude or modify the provisions of this rule (*see* rules 4.20 and 6.4); or
 - (d) a Judge is satisfied that—

- (i) there are special or urgent circumstances that require that notice need not be given; or
 - (ii) notice would cause undue delay or other serious detriment to the applicant; or
 - (iii) the application concerns and affects only the applicant and does not affect the interests of any other person; or
 - (iv) the application is a matter of routine; or
 - (v) the person in respect of whom the application is made cannot be found.
- (2) A Judge may direct that an affidavit or a declaration be filed in support of the application.
- (3) The Court may, in dealing with an application for which notice is not required, exercise any of its powers under these rules, make any direction, or adopt any procedure that is necessary for appropriately dealing with the application and for satisfying the principles of natural justice.
- (4) A Judge may direct that an order made without notice must be served on the persons specified by the Judge.

4.15 What documents must be served

- (1) The applicant must serve on each person who must be served—
 - (a) a copy of the application and any supporting documents; and
 - (b) a notice to accompany service in form 3 duly completed.
- (2) However, if the persons who must be served are persons materially affected and are not named as a party to the application, the applicant may as an alternative to compliance with rule 4.15(1) serve those persons with a notice of application in form 4.
- (3) The applicant must without delay, on request by a person served with a notice of application in form 4, supply that person with a copy of the application and any supporting documents.

4.16 Directions as to notice or service

- (1) An applicant may apply for directions from the Court as to any aspect of notice or service.
- (2) A Judge or a Registrar may give directions as to notice or service, except where these rules require or envisage that the directions be given by a Judge.
- (3) An applicant must apply for directions from a Judge if the applicant is unable, after making proper inquiry, to establish the addresses of a significant proportion (judged according to the nature of the application) of the persons who must be served.

- (4) If a person has obtained directions from a Registrar and is dissatisfied with them, that person may require that the directions be reviewed by a Judge.

4.17 Examples of directions by Judge as to notice or service

- (1) Without limiting the general power of a Judge to give directions, a Judge may give the following directions:
- (a) in the case of an interlocutory application made without notice under rule 4.19, a direction that the application must be made on notice and served:
 - (b) a direction that an application must be served on the appropriate marae komiti or trustees, rūnanga, or other body representative of Māori:
 - (c) a direction that takes into account any notice given or consents obtained as part of any consultation under rule 4.21:
 - (d) directions as to notice in the media.
- (2) A Judge may in any event give directions—
- (a) in addition to the requirements of rule 4.15:
 - (b) waiving or amending those requirements:
 - (c) substituting other requirements for notice and service as the Judge thinks fit.

4.18 Notice to objecting owner of Māori land

- (1) This rule applies if an owner of Māori land, in the course of consultation, had objected to an application or voted against it at any meeting.
- (2) The applicant must serve, in accordance with rule 4.13, notice on that owner of Māori land owner of the time, date, and place of the hearing of the application.

4.19 Specific applications that do not require notification to other parties, notification in Panui, nor appearance by applicant

- (1) Subject to a direction by the Court or the Registrar otherwise, the applications set out in rule 4.19(2) may be considered and determined without notice in the Panui (except to the extent that it must be notified under rule 6.6), without notice to any party, and without any appearance by the applicant.
- (2) Rule 4.19(1) applies to the following applications:
- (a) an application under section 25 of the Act (application for order to restore effect of lost instrument of alienation) if rule 9.10(4) applies:
 - (b) an application under section 43 of the Act (application for rehearing) if rule 8.1(3) applies:
 - (c) an application under section 59 of the Act (application for leave to appeal from provisional or preliminary determination) that complies with rule 8.13:

- (d) amendment of an order under section 86 of the Act (*see* rule 7.10):
- (e) an application under section 87 of the Act (application to amend name of land owner):
- (f) an application under section 98 of the Act for payment from the Special Aid Fund (*see* rules 16.1 and 16.6):
- (g) an application under section 111 of the Act (application to vest interest of deceased Māori in General land) that complies with rule 10.6:
- (h) an application under section 112 of the Act (application for transmission of Māori land to administrator) that complies with rule 10.10:
- (i) an application under section 113 of the Act (application for succession) if rule 10.8 or 10.9 applies:
- (j) an application under section 128 of the Act (application for declaratory consolidated order) if rule 14.3(2) applies:
- (k) an application under section 131 of the Act (application for order to determine status of land) if notification is not required under rule 14.2(2):
- (l) an application by consent under section 133 of the Act (application for change of status from General land to Māori freehold land) if rule 11.1(2) applies:
- (m) an application under section 158 of the Act (application for exemption from providing special valuation) that complies with rule 11.4:
- (n) an application under section 173 of the Act (application to call meeting of owners) that complies with rule 11.17:
- (o) an application under section 183 of the Act (application to appoint agent of owners) to which section 182(3) of the Act applies:
- (p) an application under section 242 of the Act (application for order for payment of money held in trust) that complies with rule 12.9:
- (q) an application under rule 4.11 (application for the appointment of a next friend):
- (r) an application under rule 6.11 (adjournment to another district):
- (s) dismissal or reinstatement of an application under rule 6.28:
- (t) an urgent application for an interim injunction where rule 9.6(3) applies:
- (u) an application for cancellation of an injunction where rule 9.9(2) applies:
- (v) an application under rule 10.11 (application for transmission of joint tenancy by survivorship or for termination of a life interest):
- (w) an application to replace to remove a trustee on death or resignation (*see* rule 12.8(2)).

4.20 Proceedings in which general rules as to service and notice excluded or modified

The following rules exclude or modify the general rules as to notice and service:

- (a) rule 8.2 (application to Chief Judge under section 45 of the Act):
- (b) rule 8.10 (notification of appeal):
- (c) rule 9.3 (notification and service of civil application):
- (d) rule 9.5 (application for injunction):
- (e) rule 9.11 (application for advice on or determination of representation of Māori groups):
- (f) rule 9.12 (application to appoint receiver):
- (g) rule 10.4 (notice of application for succession):
- (h) rule 10.6 (application to vest interest of deceased Māori in General land):
- (i) rule 10.9 (order in respect of further land interests):
- (j) rule 11.20 (application for confirmation of resolution of assembled owners):
- (k) rule 11.21 (application for confirmation of resolution passed at family gathering):
- (l) rule 11.24 (application for exchange order):
- (m) rule 12.1 (application to constitute trust):
- (n) rule 13.2 (application for partition order):
- (o) rule 13.10 (application for easement or roadway: directions and notice):
- (p) rule 13.15 (application for occupation order):
- (q) rule 15.4 (request for advice or non-binding ruling in relation to aquaculture dispute):
- (r) rule 15.5 (application for determination of aquaculture dispute):
- (s) rule 15.6 (request for advice or non-binding ruling in relation to fisheries dispute):
- (t) rule 15.7 (application for determination of fisheries dispute):
- (u) rule 15.8 (application by Te Ohu Kai Moana Trustee Limited).

4.21 Responsibility of applicant as to sufficiency of notice, etc

- (1) This rule applies when, on an application under the Act or these rules, the Court must be satisfied as to any or all of the following matters:
 - (a) that sufficient notice of the application has been given to the owners of the Māori land in question:

- (b) that there has been a sufficient opportunity for the owners of the Māori land to discuss and consider the application:
 - (c) that there is a sufficient degree of support for the application among the owners of the Māori land.
- (2) It is the responsibility of the applicant to satisfy the Court as to the matters referred to in rule 4.21(1).
- (3) A Judge, if an applicant has failed to satisfy the Court as to the matters referred to in rule 4.21(1), may—
 - (a) direct the applicant or the Registrar to call a meeting of the owners of the Māori land to discuss and consider the application; and
 - (b) make such other directions to address the matter as the Judge thinks fit; and
 - (c) direct that the meeting be held immediately before the hearing of the application or during any adjournment of that hearing.
- (4) The notice calling the meeting must, unless a Judge directs otherwise, include a brief description of the nature of the application and a copy of any plan or other diagram filed in support of the application.

4.22 Method of service

- (1) A proceeding, notice, or other document that must be served on a person under the Act or these rules may be served in any of the following ways:
 - (a) by personal service; or
 - (b) if the person to be served has provided or filed a contact address that indicates a means of communication (for example, fax, email, or post), by that means; or
 - (c) if the person to be served has not provided or filed a contact address, by post addressed to that person's usual or last known residence or place of business.
- (2) However, rule 4.22(1) does not apply to the extent the Act, these rules, or a direction of the Court requires that service be made by way of personal service.
- (3) In the case of service under rule 4.22(1)(c), service is treated as being made on the date that the proceeding, notice, or other document would have been received by the person to be served in the normal course of the post, whether that person actually received it or not.
- (4) A person who files or serves a document by fax or by electronic communication is taken to have provided or filed, for the purposes of rule 4.22(1)(b), the sender's fax or email address (as the case may be) as a contact address that may be used by the Registrar or any other person involved in the proceedings.

Compare: SR 1994/35 r 20

Part 5

Setting applications down for hearing

5.1 Registrar must set application down for hearing

- (1) The Registrar of the Court in which an application is filed must—
 - (a) set the application down for an initial hearing in that Court; or
 - (b) if in accordance with rule 5.1(2) or 5.2 the application must be set down in another Court, transfer the application to that Court.
- (2) An application must, except when it is set down for hearing under rule 5.2, be set down for an initial hearing—
 - (a) in the Court in the district in which there is situated some or all of the land that is the subject of the application; or
 - (b) if the application does not relate to land, in the Court that a Judge directs as the most appropriate.
- (3) The Registrar of the Court in which the application is set down must notify the hearing in the appropriate Panui.
- (4) Where hearings in a district are conducted at separate venues according to regions or rohe, an application must be first advertised in the Panui for the region or rohe where the land or the subject matter of the application is situated.

Compare: SR 1994/35 r 16

5.2 Rules that apply to setting down in certain cases

- (1) This rule applies to the following applications and modifies rule 5.1 in respect of those applications:
 - (a) an application under Part 4 of the Act (which relates to the administration of estates);
 - (b) an application under section 214 of the Act to constitute a whanau trust;
 - (c) an application under section 217 of the Act to constitute a kai tiaki trust.
- (2) An application to which this rule applies may be set down for hearing in the Court in which it is filed or the Court requested by the applicant for hearing if—
 - (a) sufficient details to inform interested persons of the application, the Court in which it is set down, and the time, date, and place of hearing are at the same time notified in the Panui under the Court in the district in which most of the land that is affected by the application is situated; and
 - (b) the notification is in accordance with rule 5.2(3).
- (3) For the purposes of rule 5.2(2)(b), the notification must—
 - (a) appear under the heading “Applications for succession, whanau trust or kai tiaki trust to be heard in other Court districts”; and

- (b) contain the following explanatory statement: “The following applications affecting land in this district will be heard under rule 5.2 of the Māori Land Court Rules 2011 in the Court districts notified below”.
- (4) A Judge must not make an order on an application that has been set down for hearing in accordance with this rule unless the Judge is satisfied, having regard to the nature and circumstances of the application, that there has been appropriate notice or consultation with members of the whanau affected by the application.

5.3 Notification of application filed in office of Chief Registrar

- (1) An application filed in the office of the Chief Registrar must be notified in the next available Panui and in all Panui following until the application is disposed of or notified for hearing or for inquiry and report.
- (2) The application must be notified under the heading “Applications filed in the office of the Chief Registrar”.

5.4 Registrar must fix time, date, and place of hearing

- (1) The Registrar of the Court in which an application is filed must fix the time, date, and place for hearing the application, unless otherwise directed by a Judge or unless the Act or these rules provide otherwise, and must set the hearing down for that time, date, and place.
- (2) The place of initial hearing must be in accordance with rule 5.1(2) or 5.2.
- (3) The hearing must be set down for a date that falls in the first appropriate regular sitting of the Court after the closing date of the next available Panui.
- (4) The Registrar must refer an interlocutory application made without notice to a Judge as soon as practicable, unless the application can be dealt with by the Registrar.

5.5 Direction of Chief Judge required for setting down certain proceedings

The following proceedings must be set down for hearing in accordance with a direction of the Chief Judge (or the Deputy Chief Judge acting with the authority of the Chief Judge):

- (a) an appeal:
- (b) an application filed in the office of the Chief Registrar.

5.6 Registrar must assemble file to assist Court

- (1) As soon as practicable after an application is filed, the Registrar must undertake a search of the Court records and place on the file as much of the following information or material as the Registrar, having regard to the nature of the application, considers will assist the Court:
 - (a) details of title and ownership of land that is affected by the application, including memorial schedules and historical records:

- (b) current land transfer searches of land affected by the application:
 - (c) minutes of the Court:
 - (d) derivational searches.
- (2) The Registrar must then without delay give the file to the Judge hearing the application together with any plans, documents, and other files relating to the application.
- (3) If an application questions the integrity of the records of the Court, the Registrar must—
- (a) compile a report, for inclusion in the file, that addresses the issue of the integrity of the Court records in question; and
 - (b) incorporate any details from the Court title record that are necessary to compile the report.
- (4) A Judge may make directions modifying the requirements of this rule.
- Compare: SR 1994/35 r 17(2)

5.7 Registrar's duty to advance application

The Registrar, acting in accordance with these rules and any direction given by a Judge, must deal with an application so that it is processed and heard as expeditiously as possible.

5.8 Notice of hearing

- (1) The Registrar must send written notice of the time, date, and place of the hearing of an application to the following persons:
- (a) the applicant:
 - (b) each other party:
 - (c) at the discretion of the Registrar, but subject to any direction by a Judge, any person appearing on the face of the application to be materially affected by it:
 - (d) any person who has filed a notice of intention to appear at the hearing:
 - (e) any person who has notified the Court of his or her interest in the application:
 - (f) the solicitor on the record for any party.
- (2) Each notice must contain advice that the recipient is entitled to ask for a copy of the Panui in which the hearing is notified, and the Registrar must without delay send a copy of that Panui to any person who requests it.
- (3) Notice may be given by—
- (a) ordinary post; or
 - (b) any of the means specified for service in rule 4.22.

Compare: SR 1994/35 r 26

5.9 Notice of intention to appear

- (1) Any person who is not named as a party to an application and who wishes to appear and be heard in connection with an application must file in the Court and serve on the applicant a notice of intention to appear that complies with rule 5.9(2).
- (2) The notice must—
 - (a) be in form 5; and
 - (b) state whether the person supports or opposes the application; and
 - (c) state the grounds for supporting or opposing the application; and
 - (d) be given not later than 5 working days before the application is to be heard.
- (3) The Court, in awarding costs in the application, may take into account a failure to file and serve a notice of intention to appear.

Compare: SR 1994/35 r 36

5.10 Notice and service

- (1) Notice or service may be given to or effected on any person or party in accordance with rule 4.22.
- (2) The Court may require that evidence of notice or service be produced to the Court, including, where notice or service is by fax or electronic communication, a copy of the fax or electronic record establishing the time and date of the notice or service and the address of the recipient.
- (3) Where any time is fixed for notice to be given or service effected, a Judge may extend or shorten that time on such terms (if any) as the Judge thinks fit.

5.11 Outstanding applications

- (1) The Registrar of the Court in each district must as soon as practicable prepare a quarterly schedule for the last day in February, May, August, and November—
 - (a) listing the applications that were filed in that Court 6 months or more before the date of the schedule and that have not been finally determined; and
 - (b) containing the following information for each of those applications:
 - (i) the date of filing; and
 - (ii) the details of the application specified for inclusion in the Panui under rule 3.13; and
 - (iii) a brief summary of the reason or reasons why the application has not been finally determined.
- (2) On completing the schedule, the Registrar must—
 - (a) send a copy of it to each of the Chief Judge, the Judge of the Court in the district in question, and the Chief Registrar; and

- (b) arrange for a copy of it to be posted on the Court's official Internet site.
- (3) The Registrar must also forward to the Judge of the Court in the district in question the files for applications that were filed more than 2 years before the date of the schedule and that have not been finally determined, except the files for those applications that have been set down for a fixed date of hearing or are subject to fixed time limits.
- (4) For each file that the Registrar forwards under rule 5.11(3), the Registrar must include as appropriate a report on progress or a submission and recommendation for steps for the final determination of the application.
- (5) Nothing in this rule limits the power of the Registrar at any time to contact and arrange with the parties to an application for the application to be set down for hearing.

Compare: SR 1994/35 r 38

5.12 Judge's powers in relation to file forwarded under rule 5.11(3)

The Judge to whom a file has been forwarded under rule 5.11(3) may—

- (a) make directions or exercise any of a Judge's other powers under these rules to advance the application; or
- (b) if appropriate, dismiss the application for want of prosecution under rule 6.28.

Part 6 Conduct of hearing

6.1 Presiding Judge

At a hearing of the Māori Land Court with 2 or more Judges sitting, the presiding Judge is the senior Judge or the Judge nominated by the senior Judge to preside.

Compare: SR 1994/35 r 41

6.2 Conduct of hearing

- (1) The Judge, or the presiding Judge, at a hearing of the Māori Land Court, may, subject to section 66 of the Act, determine how the hearing is conducted and the order in which the parties are heard.
- (2) The Māori Land Court must hear any of the following persons who appear and wish to be heard:
 - (a) the parties:
 - (b) any other person materially affected:
 - (c) any other person who has an interest in, or may be affected by, an application, including a person who has an interest or may be affected as a matter of tikanga Māori.

- (3) Rules relating to the conduct of the Māori Appellate Court are contained in Part 8.

Compare: SR 1994/35 r 42

6.3 Court staff

The Registrar of the Court must ensure that the following persons attend every sitting of the Court:

- (a) a clerk of the Court; and
- (b) a person or persons who can explain the procedure of the Court to the parties and otherwise assist the Court to function effectively; and
- (c) if necessary or directed by a Judge, a competent interpreter.

6.4 Court may sit without formal notice

- (1) Despite anything in these rules, the Court may sit at any time and place appointed by a Judge without notice being given in a Panui or without the Registrar giving formal notice of the hearing.
- (2) However, the Court must not hear or decide an application without formal notice, unless—
 - (a) the parties have, in the circumstances, been given adequate notice of the hearing; or
 - (b) the application is one which, in accordance with the Act or these rules, may heard and determined without notice.

6.5 When Court may determine application for which no appearance is required

- (1) If no appearance is required, the Court may determine an application at any time before the date of the hearing shown in the Panui.
- (2) As soon as possible after the Court has determined the application, the Registrar must give notice of any order made by the Court to the following:
 - (a) the applicant or the applicant's solicitor;
 - (b) if a party consented to the application, that party or that party's solicitor;
 - (c) any other person as the Court directs.

6.6 Notification in Panui of application made without notice

- (1) This rule applies to an application that under rule 4.14, 4.19, or 6.4 may be made without notice.
- (2) The Registrar must, unless directed otherwise by a Judge, ensure that an application to which this rule applies is notified, in accordance with rule 6.7, in the first available Panui.
- (3) A Judge may, in considering a particular application, direct that it be heard on such notice as the Judge thinks fit.

- (4) Rule 6.5 applies to any application that may be determined without notice under this rule.

6.7 Form of notification in Panui

- (1) This rule applies to any application that is to be determined without notice under rule 6.6.

- (2) Notification in the Panui must—

- (a) appear under the following heading and explanation:

“Applications to be decided without notice

Under rule 6.6 of the Māori Land Court Rules 2011, the following applications may be decided without notice and without formal hearing. If you are interested in, or affected by, one of these applications and wish to make representations concerning the application, you must notify the Court in writing by 4 pm on the [*specify the first working day of the month following the date of issue of the Panui*] providing your name and address, telephone number, and email address (if any), and setting out your connection with the application and brief details of your concerns.

The Court may, on considering your notification, arrange for the application to be set down for a formal hearing if the application has yet to be determined or for a rehearing if the application has already been determined.”; and

- (b) provide the details of the application that would normally be included in the Panui.

6.8 Directions following notification of application made without notice

- (1) This rule applies where, in response to the notification under rule 6.7 of an application made without notice, a person notifies the Court of that person’s concerns.

- (2) The Registrar must without delay refer the person’s response to a Judge who may give directions necessary to address those concerns, including—

- (a) directing contact with that person to clarify his or her concerns or to see if they may be resolved or both; or
- (b) if the application has not yet been determined, setting it down for hearing; or
- (c) if the application has been determined, setting it down for rehearing.

Adjournments

6.9 Court may adjourn hearing

- (1) The Court may, on the application of a party or on its own initiative, either before or during a hearing, adjourn an application—

- (a) to another ordinary sitting of the Court; or
 - (b) to a special sitting; or
 - (c) if the circumstances require, to a date and place to be fixed.
- (2) A party seeking an adjournment must, if possible, notify the other parties of the intention to seek an adjournment and must attempt to obtain the consent of the other parties to the adjournment.
- (3) An application that has been adjourned to a date and place to be fixed may be brought on for hearing on the application of any party or on the direction of the Court, and may be heard at the time and place and on the notice that the Court may direct.

6.10 Notification of adjournment in Panui and notice of hearing

The provisions of these rules relating to the notification of an application in a Panui and notice of a hearing apply with any necessary modifications to a hearing that has been adjourned under rule 6.9 except to the extent that a Judge directs that further notification in a Panui is unnecessary.

6.11 Adjournment to another district

- (1) The Court may, on the application of a party or on its own initiative, either before or during a hearing, adjourn an application to another district if the circumstances require and the application can conveniently be heard in that district.
- (2) The application may be considered and determined without notice in the Panui (except to the extent that it must be notified under rule 6.6), without notice to any party, and without any appearance by the applicant.
- (3) Where an application is adjourned to another district, the Registrar must forward the Court file and relevant documents to the Court of hearing.
- (4) The Registrar of the Court of hearing must—
 - (a) enter the application in the records of that Court; and
 - (b) notify the application in the next available Panui in accordance with rule 5.4; and
 - (c) undertake the administrative steps necessary for the application to progress to a hearing.

Registrar's jurisdiction and powers

6.12 Specified classes of case in which designated Registrar may exercise jurisdiction and powers of Court

- (1) The specified classes of case in which a Registrar designated under section 39 of the Act may, subject to the determination of the Chief Judge, exercise the jurisdiction and powers of the Court are the following:

- (a) an application for an order under section 18(1)(a) of the Act recording—
 - (i) the determination of a life or other limited estate in Māori freehold land; or
 - (ii) the fact of survivorship on the death of a person holding a freehold estate in Māori freehold land:
 - (b) an application for the discharge under section 82(4) of the Act of a charging order:
 - (c) an application under section 111(1) of the Act for an order vesting in the administrator of a deceased Māori a freehold interest in General land held by the deceased:
 - (d) an application under section 112(1) of the Act for an order vesting in the administrator of an estate to which Part 4 of the Act applies a beneficial interest in Māori freehold land held by that estate:
 - (e) an application under section 128 of the Act for a declaratory consolidated order in a case where the only changes of ownership have occurred through succession or vesting orders by the Court:
 - (f) an application under section 239 of the Act for an order removing a trustee on his or her death where suitable evidence of death is provided with the application.
- (2) If, during the hearing of an application by a Registrar, a contest arises between the parties, the Registrar must adjourn the application to the Court.
 - (3) A Registrar may exercise the jurisdiction of the Court under this rule on an application by a Registrar.

6.13 Registrar's ancillary powers

In exercising the jurisdiction of the Court, a Registrar may exercise as ancillary to that jurisdiction the powers that a Judge could have exercised in dealing with the same matter.

Parties

6.14 Court may strike out or add parties to application

- (1) At any time before or during a hearing, the Court may, either on the application of any party or on its own initiative, and on any terms that it thinks just,—
 - (a) strike out the name of a party improperly or mistakenly joined in the application; or
 - (b) join or, with the consent of the party substituted, substitute as a party any person or class of persons that the Court considers necessary for the Court to hear and determine all the questions involved in the application.
- (2) A person must not be added as an applicant without that person's consent.

6.15 Court may make directions for representation of person or class of persons

If the Court considers that a person or a class of persons, whether or not joined as a party, should be heard or represented at a hearing, then the Court may issue any directions or exercise any of its powers that it considers necessary for that purpose including, where section 70(3)(b) of the Act applies, appointing a barrister or solicitor to represent that person or class of persons.

6.16 Guardian ad litem

- (1) The Court may at any time appoint a suitable person to act as guardian ad litem for any minor or person under a disability whose interests are affected by an application.
- (2) A guardian ad litem is not personally liable for costs unless those costs have been occasioned by his or her personal negligence or misconduct.
- (3) Nothing in this rule limits the power of the Court under section 217 of the Act to constitute a kai tiaki trust for any person.

*Evidence***6.17 Form of evidence**

- (1) The evidence of a witness—
 - (a) at a contested hearing must be given orally on oath or affirmation, unless the Court directs otherwise;
 - (b) at any other hearing must be given orally on oath or affirmation if the Court requires it.
- (2) Subject to these rules and any other enactment, the Court may in its discretion accept evidence by affidavit, declaration, or other documentary form and in that case may require the witness to attend the hearing for the purpose of cross-examination.
- (3) Where an affidavit, declaration, or other document is filed by fax or electronic communication,—
 - (a) a Judge may direct that the original must be filed or produced to the Court; and
 - (b) the party filing the document must produce the original if directed unless the Court is satisfied that there is good reason why the document cannot be produced.

6.18 Further evidence

- (1) The Court may, on the application of any party to an application or on its own initiative, if it considers that further evidence is reasonably necessary for the proper exercise of its jurisdiction, make orders or give directions requiring—
 - (a) the giving of additional evidence:

- (b) the production of any document for inspection:
 - (c) the production of copies of entries in any ledgers or books of account.
- (2) The Court may, if it considers that it is reasonably necessary for the proper exercise of its jurisdiction, order any of the following agencies (or their successors) or an official of those agencies to appear and produce any reports, historical or other records, or any departmental files held by the agency in question:
- (a) Archives New Zealand:
 - (b) Land Information New Zealand:
 - (c) the Māori Trustee:
 - (d) Te Puni Kōkiri:
 - (e) any other government department.
- (3) The parties must be given an opportunity to examine any document required to be produced under this rule and to make submissions in respect of it.
- (4) Nothing in this rule prevents a Minister of the Crown, any government agency, or any official of a government agency from claiming privilege for any report, record, or file required to be produced under this rule and in the event that privilege is claimed, rule 6.20(5) applies.
- (5) The Court may accept the production in electronic form or by electronic means of any document required to be produced under this rule but may require evidence of the authenticity of the document.

6.19 Who may take affidavit, declaration, or affirmation

- (1) An affidavit, declaration, or affirmation required to be sworn or made for the purpose of an application under these rules may be sworn or made in New Zealand before any of the following persons:
- (a) a Judge or Registrar of any court, including the District Court or any senior court:
 - (b) a Justice of the Peace:
 - (c) a Community Magistrate:
 - (d) subject to rule 6.19(2), a solicitor of the High Court.
- (2) An affidavit, declaration, or affirmation sworn or made before a solicitor who was at the time engaged in, or the member of a firm that was engaged in, the proceedings must not be admitted in the proceedings, except in the case of an application made without notice that is uncontested.
- (3) An affidavit, declaration, or affirmation required to be sworn or made for the purposes of an application under these rules may be sworn or made outside New Zealand before any of the following persons:
- (a) a notary public:
 - (b) a commissioner of oaths:

- (c) a Commonwealth representative;
 - (d) a solicitor of the High Court of New Zealand;
 - (e) a person admitted to practise as a solicitor in a state of Australia;
 - (f) a Justice of the Peace of Australia;
 - (g) a practising solicitor, lawyer, or attorney in the country where it is sworn or made.
- (4) A person listed in rule 6.19(1) or (3) before whom an affidavit, declaration, or affirmation is sworn or made must print beneath his or her signature his or her full name, occupation or qualification, and address, and affix his or her seal or stamp of office (if any).

Rule 6.19(1)(a): amended, on 1 March 2017, by section 183(b) of the Senior Courts Act 2016 (2016 No 48).

6.20 Discovery

- (1) On the application of any party to a proceeding, the Court may order any other party to the proceeding to give discovery of the documents, whether in hard-copy or electronic form, that are or have been in that other party's possession or power and that are relevant to any matter in question in the proceeding.
- (2) The order must be in form 6 and signed by the Registrar.
- (3) The order must be served by the applicant or, at his or her discretion, by the Registrar on the party against whom it is issued.
- (4) A party who has been ordered to give discovery must,—
 - (a) within 10 working days after being served with a copy of the order, file in the Court an affidavit of documents in form 7 and serve a copy of the affidavit on the party who obtained the order; and
 - (b) allow the party who obtained the order to inspect any document except a document for which privilege is claimed.
- (5) If privilege is claimed for any document, the Court may inspect the document for the purpose of deciding whether the claim of privilege is valid and may rule on the claim.

Compare: SR 1994/35 r 54

6.21 Exhibit notes

- (1) The presiding Judge or the Registrar must ensure that an exhibit note that complies with rule 6.21(2) is placed on every document, plan, or other paper produced in evidence in any proceedings.
- (2) The exhibit note must contain the following:
 - (a) the appropriate application number;
 - (b) the date of production of the document, plan, or other paper;

- (c) a numerical or alphabetical reference identifying the document, plan, or other paper.

Compare: SR 1994/35 r 52

6.22 Summons to witness

- (1) On the request of a party to an application or of a Judge, the Registrar must issue a witness summons in form 8 requiring the person named in the summons to attend the hearing of the application to give oral evidence or to produce any document in that person's possession or control.
- (2) The summons must contain in reasonable detail the following information that must be provided to the Registrar by the party or person requesting the summons:
 - (a) the reason for requiring the witness to appear; and
 - (b) the nature of the evidence that is required to be given; and
 - (c) details of the documents that are required to be produced.
- (3) A summons may be served on a person in 1 of the following ways:
 - (a) by delivery to that person or, if delivery of the summons is refused, by being brought to his or her attention; or
 - (b) by being left at that person's usual place of residence with a member of his or her family living with the person and who appears to be over the age of 18 years; or
 - (c) by registered letter sent to that person at his or her usual place of residence or usual place of business.
- (4) There must be paid or tendered to the person summoned the sum estimated to be payable to that person for allowances and travelling expenses (but not fees) incurred in attending the hearing under the Witnesses and Interpreters Fees Regulations 1974.
- (5) The Court (or a Judge), in directing the Registrar to issue a witness summons, and despite rule 6.22(3) and (4),—
 - (a) may specify how the summons may be served; and
 - (b) may—
 - (i) specify that no allowances and travelling expenses are payable; or
 - (ii) fix the sum of allowances and travelling expenses that are payable; or
 - (iii) direct that the allowances and travelling expenses be payable in accordance with rule 6.22(4).

6.23 Witness summoned must comply with summons

- (1) A person who has been properly summoned in accordance with rule 6.22 must comply with the summons.

- (2) Service of the summons may be proved by an affidavit in the form endorsed on form 8 or by evidence on oath or affirmation given at the hearing.
- (3) If the witness claims privilege in respect of any evidence or document, the Court must rule on the claim and may inspect the document for the purpose of deciding whether the claim is valid.
- (4) The Court or a Judge may set aside a witness summons issued under rule 6.22 if the Court or the Judge is satisfied that the evidence to be given or the documents to be produced have no bearing on the case before the Court.

6.24 Taking evidence in another district

- (1) A party to an application (the **substantive application**) may apply to the Court for taking in another district the evidence of a party or witness who is not resident in the district in which the substantive application has been filed.
- (2) The application for taking evidence in another district may be made in writing or orally in court.
- (3) The Court may, after notification of the substantive application in the Panui, adjourn the substantive application to the other district for the purpose of taking the evidence in question.
- (4) The Registrar of the Court must ensure that the file of the substantive application and all documents relating to it are sent to the Court in the other district.
- (5) The Registrar of the Court in the other district must—
 - (a) refer the substantive application to a Judge for directions as to a hearing for taking the evidence; and
 - (b) give notice of the hearing in accordance with rule 5.8 but need not notify the hearing in a Panui; and
 - (c) after the hearing, return the file of the substantive application and all documents relating to it to the Court of origin.
- (6) The evidence taken at the hearing in the other Court forms part of the record of the hearing of the substantive application.

Compare: SR 1994/35 r 58

6.25 Power of Registrar to take evidence

- (1) A Judge may direct a Registrar to take the evidence of a witness who is unable to attend the Court because of illness, work commitment, distance from the Court, or any other sufficient reason.
- (2) In taking the evidence of a witness, a Registrar has all the powers that a Judge would have in the same circumstances except that a Registrar has no power of committal.
- (3) The evidence must be set out in a deposition and certified by the Registrar.

- (4) Evidence taken by the Registrar that complies with rule 6.25(3) forms part of the record of the hearing.

Compare: SR 1994/35 r 51

Reference to Registrar for inquiry and report

6.26 Judge may make reference to Registrar

- (1) A Judge may make a reference under section 40 of the Act to a Registrar—
- (a) on the application of any party to an application or on the Judge's own initiative;
 - (b) before the hearing or at any stage of the hearing.
- (2) The reference must be in form 9, modified as required by the Judge.

6.27 Conduct of Registrar's inquiry

- (1) Subject to any direction by the Judge making a reference under section 40 of the Act, the Registrar—
- (a) must, if a formal hearing is required, fix a date, time, and place for holding the inquiry and must give notice to all the parties entitled to attend; and
 - (b) may inspect any land or property where inspection of the land or property is relevant to the inquiry; and
 - (c) may enforce, by a summons issued in accordance with rule 6.22, the attendance of a witness; and
 - (d) must conduct the inquiry so far as possible as if the inquiry were held by a Judge; and
 - (e) may reserve any question that arises in the course of the inquiry for determination by a Judge.
- (2) The Registrar must make a report of the inquiry and file the report in the Court in hard-copy or electronic form.

Dismissal

6.28 Court may dismiss application

- (1) Without limiting the power of the Court to deal with an application, the Court may dismiss an application if the applicant fails to—
- (a) appear at a hearing; or
 - (b) properly advance the application; or
 - (c) comply with an order or direction of the Court.
- (2) Dismissal may be considered and determined without notification in the Panui, without notice to any party, and without any appearance by the applicant.
- (3) If the Court dismisses an application under this rule,—

- (a) the Court may reinstate the application and may make the reinstatement subject to payment of a further fee by the applicant; or
 - (b) the applicant may file a new application in respect of the same matter.
- (4) The Court must not reinstate an application under rule 6.28(3)(a) more than 1 year after the application is dismissed unless there are good grounds for reinstatement.
- (5) If an application has been dismissed without notification in the Panui, it must be notified in the Panui in accordance with rule 6.6.

Compare: SR 1994/35 r 70

Costs

6.29 Security for costs

- (1) A party required by the Court under section 79(4) of the Act to deposit a sum of money as security for costs must pay the requisite sum to an office of the Court.
- (2) Money deposited as security for costs—
- (a) must be held by the Registrar in a trust account established for the purpose by the Chief Registrar; and
 - (b) may only be disbursed by order of the Court.

Compare: SR 1994/35 r 72

6.30 Form of bill of items for taxation of costs

A bill of items that is required under section 80 of the Act for a taxation of costs must—

- (a) include full details of all fees, charges, expenses, and disbursements; and
- (b) show solicitors' charges and counsels' fees separately; and
- (c) be supported by original time records and vouchers or receipts for disbursements.

6.31 Procedure for taxation of costs

- (1) The Registrar must fix a date, time, and place for carrying out a taxation of costs.
- (2) Notice of the date, time, and place for carrying out a taxation of costs, accompanied by a copy of the bill of items, (if any), must be given to every person directed by the Court or the Registrar to be served.
- (3) Subject to service as directed under rule 6.31(2), a taxation of costs may proceed on and at the appointed date, time, and place whether any or all or none of the parties attend.

- (4) Despite rule 6.31(1) to (3), the Court or the Registrar may agree with the parties the procedure to be followed in a taxation of costs, including dispensing with a formal hearing and the filing of written submissions.

6.32 Taxation of costs

- (1) In a taxation of costs, the Court, the Registrar, or other officer of the Court appointed to tax the costs must—
- (a) fix the amount or amounts that, in the opinion of the Court, the Registrar, or other officer are proper in the circumstances for the costs, charges, or expenses in question; and
 - (b) fix the amount of witnesses' and interpreters' fees, allowances, and travelling expenses in accordance with the Witnesses and Interpreters Fees Regulations 1974 or as allowed by the Court under rule 6.22(5); and
 - (c) fix the amount of all other disbursements, agency charges, and fees; and
 - (d) issue a certificate for the amounts in rule 6.32(1)(a) to (c).
- (2) No charges, whether between party and party or between solicitor and client, may be claimed for the preparation or service of a bill of items for taxation.
- (3) If extra expenses that do not appear connected with the application are claimed, a statement must be filed in the Court and served on all the parties showing that the extra expenses were proper and necessary in the circumstances.

Compare: SR 1994/35 r 73

6.33 Review of taxation of costs

- (1) This rule applies where it appears to the Court, on the application of a person dissatisfied with a taxation of costs, that the amount fixed under rule 6.32 is erroneous as to amount or in principle.
- (2) The Court may—
- (a) refer the taxation back to the Registrar or other officer appointed by the Court with directions to review the taxation and make the necessary alterations; or
 - (b) itself review the taxation and fix the amount of costs.

Part 7

Orders and records of Court

Orders

7.1 Order must be documented in certain cases

An order made by the Court, the Chief Judge, or a Registrar must be evidenced by a document that complies with rule 7.2 where—

- (a) the order affects a legal or equitable interest in any land; or

- (b) any party requests that the order be documented; or
- (c) a Judge directs that the order must be documented; or
- (d) a Registrar determines that the order must be documented; or
- (e) the order is an order granting an injunction.

7.2 Form of order

- (1) An order to which this rule applies must—
 - (a) be in the form prescribed by these rules or, if no form is prescribed, be in form 10, unless a Judge or a Registrar otherwise directs; and
 - (b) clearly and concisely set out the nature and effect of the order; and
 - (c) be dated with the date of the minute recording the order; and
 - (d) be signed and sealed in accordance with rule 7.6; and
 - (e) be produced in hard-copy form.
- (2) The Court or the Registrar may require a party to submit a draft of the order for the purpose of documenting it, but the final form of the order must be settled by the Court or the Registrar.
- (3) Where land in more than 1 Court district is the subject of an order, the land in each district must be listed separately in the order under the heading of the district in which it is situated.

Compare: SR 1994/35 r 59(1), (2)

7.3 Orders in electronic form

- (1) An order that has been created in hard-copy form in accordance with rule 7.2 may be imaged or copied and stored in electronic form on an information system that complies with rule 7.23(3).
- (2) An order in electronic form is as valid, and has the same effect, as an order in hard-copy form and may be used as if it were an original order.

7.4 Order must be completed as soon as practicable after it is made

- (1) An order must be completed as soon as practicable after completion is permitted under rule 7.5.
- (2) An order is completed by being documented, signed, and sealed.

7.5 Time for completion of order

- (1) An order must not be completed until—
 - (a) the period of 2 months for an appeal to be filed has elapsed (or, if the Court has granted a longer period for filing an appeal, that longer period has elapsed); and
 - (b) any appeal against the order has been finally disposed of; and

- (c) any conditions under section 73 of the Act or otherwise to which the order is subject have been satisfied; and
 - (d) any requirements as to a plan under rule 7.7 have been complied with; and
 - (e) all Court fees and other charges relating to the order have been paid.
- (2) However, the following orders may be completed without delay:
- (a) an order granting an injunction:
 - (b) with the leave of the Court, any other order.

Compare: SR 1994/35 r 66(3), (4)

7.6 How order must be signed and sealed

- (1) An order must be signed and sealed as follows:
- (a) an order made by the Court must be signed by the presiding Judge, or any other Judge, or a Registrar acting with the authority of the presiding Judge:
 - (b) an order made by the Chief Judge under section 44 of the Act must be signed by the Chief Judge unless signature by another person is authorised by the Act:
 - (c) an order made by a Registrar must be signed by that Registrar or a Judge.
- (2) An authority given to a Registrar for the purposes of rule 7.6(1)(a) may—
- (a) be limited to a specific order; or
 - (b) be limited to orders of a specific kind or class; or
 - (c) apply to any order made by the Judge in question.
- (3) The Registrar's signature on an order is sufficient evidence of the Registrar's authority to sign the order.
- (4) There must not be signed more than 1 copy of the order.

Compare: SR 1994/35 r 60

7.7 Certain orders must include plans

- (1) The following orders must include a plan of the land that is the subject of the order:
- (a) an amalgamation order:
 - (b) an order creating freehold title:
 - (c) a partition order:
 - (d) an order creating an easement or a right of way:
 - (e) an order laying out a roadway:
 - (f) an occupation order:

- (g) any other order that allocates or defines an area of land or that requires a plan for the order to be effective.
- (2) The plan must provide sufficient details of the land that is the subject of the order to enable it to be clearly identified.
- (3) In the following cases, but subject to rule 7.7(4), the plan of land that is required must at least be a survey plan of a standard that will produce a land transfer title or titles of the same status as the existing land transfer title for the land subject to the order (but nothing prevents the Court from requiring a higher standard of survey plan):
 - (a) an order creating freehold title:
 - (b) a partition order:
 - (c) an order creating an easement or a right of way:
 - (d) an order laying out a roadway.
- (4) An order listed in rule 7.7(3) is subject to the condition that the applicant must provide a survey plan to the Court within 12 months of the order being made as if the condition were a condition imposed under section 73 of the Act and the provisions of section 73(3) apply, except where—
 - (a) the Court specifies the requirements for the plan and the order is conditional upon the applicant satisfying those conditions; or
 - (b) the Court under rule 7.8 modifies or dispenses with the requirement of a survey plan.
- (5) In the case of an occupation order, the plan must comply with rule 13.15 and be of sufficient standard to allow registration in the provisional register under the Land Transfer Act 1952.
- (6) An order to which this rule applies must not be signed and sealed unless the requisite plan duly approved by a Judge is annexed to it.

7.8 When Court may modify or dispense with requirement of survey plan

In making an order creating an easement or a right of way or an order laying out a roadway, the Court may modify or dispense with the requirement of a survey plan if—

- (a) the parties do not require a plan to that standard; or
- (b) the order is limited in duration by reference to time or an event; or
- (c) the benefits of the order apply person to person and do not run with the land.

7.9 Area of land provisional until definition by full survey

- (1) The area of land expressed in any order—
 - (a) is provisional only until the land has been defined by a full survey acceptable to the Registrar-General of Land; and

- (b) may be corrected or amended by a Judge at any time without notice after definition by that survey.
- (2) However, a Judge correcting or amending the area of land expressed in an order may direct that notice must first be given to any person affected by the order and to the appropriate local authority if the variation in area is significant or has occurred through erosion or accretion.

7.10 Amendment of orders, warrants, etc

- (1) An amendment made by the Court or a Judge under section 86 of the Act must be made by an order of the Court and duly recorded in the minute book of the Court.
- (2) The amendment must, where practicable, be endorsed on the order, warrant, record, or other document amended with “Amended under 86/93” and a reference to the amending order, and the endorsement must be signed by the Registrar.
- (3) In the case of an order that has not been documented in accordance with the relevant minute book entry and has been amended under section 86 of the Act and this rule, the order—
 - (a) may be documented in accordance with the amendment; and
 - (b) must in that case—
 - (i) recite that it has been documented in accordance with both the original order and the amending order; and
 - (ii) refer to the relevant minute book entries for both orders.
- (4) If any order proposed to be amended has been transmitted to the Registrar-General of Land or filed in the High Court or the District Court, the Registrar must transmit a sealed duplicate of the amending order to the Registrar General of Land or the Registrar of the High Court or the District Court, as the case may be.
- (5) The amendment may be considered and determined without notice in the Panui, without notice to any party, and without any appearance by the applicant.

Compare: SR 1994/35 r 68

7.11 Retention of original order

- (1) Each original order must be retained at all times in the office of the Court in the District in which the order was made, except where its removal is authorised under rule 7.20(2).
- (2) Rule 7.11(1) is complied with if—
 - (a) the original order is retained; or
 - (b) an electronic image of the original order is retained in an information system at the office of the Court in question; or

- (c) an electronic image of the original order is retained in a central information system under the control of the Ministry of Justice that complies with the requirements of rule 7.23(2).

Compare: SR 1994/35 r 66(1)

7.12 Duplicate orders

- (1) The Court may issue a duplicate of an order after the order has been completed.
- (2) A duplicate order—
 - (a) is evidence of the original order; and
 - (b) may be produced in compliance with any requirement in an enactment to produce the order, including a requirement to produce the order for registration under the Land Transfer Act 1952; and
 - (c) regardless of the original form of the order, may be issued in hard-copy or electronic form; and
 - (d) may be electronically transmitted by the Registrar under rule 7.15.
- (3) A duplicate order must be—
 - (a) a copy of the original order; and
 - (b) clearly marked “Duplicate”; and
 - (c) endorsed by the Registrar with an endorsement that is signed by the Registrar (electronically if required) and that is in the following form:

“This is a duplicate of an original order of the Māori Land Court and has been issued by me as a Registrar of the Māori Land Court at [*place*] on [*date*] under rule 7.12 of the Māori Land Court Rules 2011.”
- (4) Where a duplicate order creating title is registered under the Land Transfer Act 1952, the Registrar must note the fact of that registration on the original order together with the date of registration and the description of title.

Compare: SR 1994/35 rr 60(2), (3), 66(1), (2)

7.13 Verification of duplicate order

- (1) Any person may request verification from the Court of the content or current status of a duplicate order.
- (2) If the Court verifies a duplicate order on the request of a person, the Court must issue a further duplicate order to that person.

7.14 Duplicate copy of order for payment of money for transmission to District Court

- (1) Where a copy of an order of the Court for the payment of money is to be transmitted to the District Court in accordance with section 81 of the Act, the Court must issue a duplicate copy under rule 7.12.
- (2) The duplicate order must—

- (a) have a cover sheet in accordance with the District Courts Rules 2009; and
 - (b) be transmitted by the Registrar to the appropriate District Court with a memorandum in form 11 signed by a Judge.
- (3) A certificate given by a Judge under section 81(3) of the Act must be addressed to the Registrar of the District Court.

Compare: SR 1994/35 r 95

7.15 Electronic transmission of orders

- (1) A Registrar may by arrangement with the recipient transmit electronically an order required to be filed with or sent to any office of the Court, any other court, or the Registrar-General of Land.
- (2) A Registrar may transmit electronically an order to any other person or party who has provided an electronic address for the purpose of service or communication.

Records of Court

7.16 Sound recording of proceeding

The Registrar must ensure that—

- (a) an electronic sound recording is made of every proceeding in the Court; and
- (b) if the sound recording is not transcribed to form part of the permanent record, the sound recording is retained for 10 years after being made in a way that ensures both its safety and its ready accessibility.

7.17 Minutes of proceeding

- (1) The Registrar must, after consultation with the relevant Judge, ensure that minutes are made of every hearing of the Court, including all rulings, decisions, and orders made by a Judge or Registrar in the course of the hearing.
- (2) The minutes must—
 - (a) comply with rule 7.18; and
 - (b) be in hard-copy form.
- (3) The Registrar must ensure that, as soon as practicable after a sitting of the Court, the minutes are submitted to the Judge for approval.
- (4) Minutes must be—
 - (a) printed on good-quality paper, authenticated by the Judge's signature on each page, and inserted into a suitable binder; and
 - (b) referenced by reference to volumes and folios, with a maximum of 300 folios per volume; and

- (c) indexed in an index listing the block, deceased, or other subject of the application and the appropriate minute book reference.
- (5) Minutes, once completed in accordance with rule 7.17(4), must—
 - (a) be imaged or copied and stored in electronic form on an information system that complies with rule 7.23(3); and
 - (b) be available in that form for normal office use and for searching by the public.
- (6) Minutes of a hearing by a Registrar must be approved and signed on each page by the Registrar.

Compare: SR 1994/35 r 164

7.18 Content of minutes

- (1) The minutes must include the following:
 - (a) a full transcript of the hearing taken from the electronic sound recording made under rule 7.16 if—
 - (i) the application is opposed; or
 - (ii) the application affects the beneficial estate in title to land (other than an unopposed application for succession or for a vesting order); and
 - (b) a summary of the relevant facts, issues, evidence, and submissions in the case of any other application, unless a Judge directs that the minutes include a full transcript; and
 - (c) a full transcript of any decision, determination, or order of the Court.
- (2) Despite rule 7.18(1), a Judge may, in the case of an application of a civil nature to which rule 9.1 applies, direct that—
 - (a) a full transcript of the hearing is not required (which direction must be recorded in the minutes); and
 - (b) the minutes include a summary of the relevant facts, issues, evidence, and submissions.
- (3) In any case in which briefs of evidence are produced and taken as read, or submissions are filed, the minutes—
 - (a) need not, unless a Judge directs otherwise, include the briefs or submissions; but
 - (b) must record the production of the briefs or the filing of the submissions; and
 - (c) must record that the briefs or submissions are held on the Court file.
- (4) A Judge may require that the minutes include the minutes of a judicial conference held under section 67 of the Act.

7.19 Permanent record

The permanent record of the Court comprises—

- (a) the minute books, that is, the books or binders containing the hard-copy record of the proceedings of the Court; and
- (b) the files of the Court containing the hard-copy applications and other documents or materials compiled by the Court in respect of each proceeding; and
- (c) original orders and recommendations issued by the Court or a Registrar; and
- (d) instruments of alienation, statements of account, block order files, or other documents or plans, or copies of any of them relevant to the Court title record and deposited with or held by the Court; and
- (e) any other documents, plans, materials, or records that—
 - (i) a Judge or Registrar considers necessary to preserve the Court's historical record of title and ownership; or
 - (ii) a Judge or Registrar considers necessary for the Court to function as a court of record; or
 - (iii) are required to be kept or maintained under the Act; and
- (f) any copy or image of any of the material in rule 7.19(1)(a) to (e) that is kept in electronic form in accordance with rule 7.23; and
- (g) any other record of the Court kept in electronic form in accordance with rule 7.23.

Compare: SR 1994/35 r 165

7.20 Custody of permanent record

- (1) Subject to rule 7.20(2), the permanent record must be kept in safe custody at the office of the Court in the district to which the information contained in the record relates.
- (2) The permanent record may be moved from the office of the Court in which it is kept if—
 - (a) its removal is necessary for its preservation or safe keeping; and
 - (b) the Chief Judge and the Chief Registrar have consented; and
 - (c) the Court continues to have reasonable access to it.

Compare: SR 1994/35 r 166

7.21 Access to permanent record

- (1) The Registrar must provide reasonable access without charge to the permanent record.

- (2) In the case of a part of the permanent record that is in electronic form, the Registrar provides reasonable access if access to the electronic form is available at an office of the Court during working hours.
- (3) The Registrar may on request and on payment of the prescribed fee (if any) supply to any person a copy of any order bearing the endorsement “Copy issued” and the date and the stamp of the Court.
- (4) The Registrar may on request and on payment of the prescribed fee (if any) supply to any person a copy of any other document that is part of the permanent record.
- (5) The Registrar may in his or her discretion provide access to any item of the permanent record in hard-copy form (including any part put into storage under rule 7.25) having regard to—
 - (a) the purpose for which access is sought; and
 - (b) the availability and condition of the same item in electronic form; and
 - (c) the condition of the hard copy and the need for its preservation.
- (6) A person who is dissatisfied with the decision of a Registrar in respect of access by that person to the permanent record may request that the Registrar’s decision be reviewed by a Judge, who must then either uphold the Registrar’s decision or direct that access be given.

7.22 Maintenance of permanent record

- (1) The Chief Registrar is responsible for the overall maintenance and safe custody of the permanent record.
- (2) The Registrar of the Court in each district is responsible for the—
 - (a) maintenance and safe custody of the parts of the permanent record held in the registry of that district or under the Registrar’s power and control; and
 - (b) maintenance and safe custody of the current Māori Land Court title record for that district.
- (3) If the permanent record is kept in electronic form on an information system in accordance with rule 7.23, the Registrar of any district is not responsible for any entry in the title records for land within that district made by another Registry unless full particulars for the entry, including the time and date of the entry, are provided to that Registrar by the Registry making the entry.

7.23 Electronic form of permanent record

- (1) This rule and rules 7.24 and 7.25 address and recognise—
 - (a) the intent of the Court to convert and capture the existing permanent record of the Court (the **hard-copy record**) and the current and future permanent record of the Court (the **continuing record**) in electronic form on an information system held by the Court:

- (b) that a large proportion of the hard-copy record has, for reasons of protection and preservation, been copied and is held and accessed in electronic form on an information system held by the Court:
 - (c) that the continuing record, although produced in hard-copy form, is being copied, captured, and accessed in electronic form on an information system held by the Court:
 - (d) that although the Court is required under these rules to make orders and produce minutes in hard-copy form, provision is made for these documents to be converted to an electronic form and used or accessed in that form:
 - (e) that the intent of the Court is eventually to hold, store, and manage the whole of the permanent record in electronic form on an information system held by the Court.
- (2) The permanent record comprising the hard-copy record and the continuing record, or a part of it, may be kept in electronic form on an information system at an office of the Court or on a central information system under the control of the Ministry of Justice if the information system complies with rule 7.23(3).
- (3) The information system must—
- (a) reliably preserve the integrity of the information contained in the permanent record (the **information**); and
 - (b) allow ready access to the information for subsequent reference; and
 - (c) allow access to the information in a form and by a means that preserves the integrity of the information; and
 - (d) reproduce, in reasonable quality having regard to the originals, records of documents or other images stored in it; and
 - (e) allow access to the information in any office of the Court; and
 - (f) provide for the comprehensive indexation of the information to facilitate searching the information; and
 - (g) include and be administered with such security and back-up systems as will absolutely preserve and protect the content of the permanent record.

7.24 Status of electronic form of permanent record

- (1) Any part of the permanent record held in electronic form under rule 7.23 constitutes the official record of the Court of that part.
- (2) An amendment that is made under section 44 or 86 of the Act to a part of the permanent record that is in electronic form must be made to—
 - (a) the electronic record; and
 - (b) also to any original hard-copy record that is held in the Court system or has been retired and stored under rule 7.25.

- (3) The electronic form of the permanent record is to be used as the working record of the Court but—
 - (a) the hard-copy record may be used to resolve any question as to the accuracy of the electronic record; and
 - (b) a Judge, if satisfied that an error or omission has occurred in the process of converting the permanent record to electronic form, may direct that the error or omission be corrected.
- (4) A direction under rule 7.24(3)(b) must be given in a minute of the Court entered in the appropriate minute book and the Registrar making the correction must note on the entry that it has been made under rule 7.24(3)(b) and must include in the note the date and reference of the minute.

7.25 Storage of permanent record in hard-copy form

- (1) On the replacement of a part of the permanent record in hard-copy form with the corresponding part in electronic form, the Chief Registrar, with the consent of the Chief Judge, may remove the hard-copy form for storage that meets the requirements of rule 7.25(2).
- (2) The storage of the permanent record in hard-copy form must—
 - (a) be secure; and
 - (b) be appropriate for the storage and preservation of records of the kind in question; and
 - (c) allow ready access for inspecting and searching the permanent record.
- (3) The Registrar must, in accordance with rule 7.21(5) and (6), permit reasonable access without charge to the permanent record in storage under this rule.

Part 8 Reconsideration of decision

Rehearing

8.1 Rehearing

- (1) An application for a rehearing under section 43 of the Act may be made—
 - (a) during the sitting in which the decision in the matter to be reheard was given, in which case the application may be made in open court or in writing to the clerk of the Court; and
 - (b) at any other time, in writing to the Registrar.
- (2) The application must set out the grounds relied upon.
- (3) The application may be considered and determined without notice in the Panui (except to the extent that it must be notified under rule 6.6), without notice to any party, and without any appearance by the applicant if the Court is satisfied

that, on the face of the application, there has been a breach of procedure or natural justice so serious that an order of rehearing is clearly warranted.

- (4) A matter may be reheard by the same Judge who first heard it or by any other Judge, and may be reheard at the same sitting or at any other sitting of the Court.
- (5) Where the rehearing takes place at any other sitting of the Court, the original application must be notified and processed in accordance with these rules.

Compare: SR 1994/35 r 71

Application to Chief Judge to correct mistake or omission

8.2 Application to Chief Judge under section 45 of Act

- (1) An application under section 45 of the Act must be in form 12 and filed at the office of the Chief Registrar.
- (2) The following matters must be set out in the application:
 - (a) in respect of the order or certificate of confirmation that is the subject of the application,—
 - (i) the date of the order or certificate; and
 - (ii) a description of the land affected; and
 - (iii) the names of the owners affected or, in the case of succession, the name of the deceased:
 - (b) in respect of the mistake or omission sought to be corrected,—
 - (i) a statement of the nature of the mistake or omission, who made it, and how; or
 - (ii) if the mistake is an error of law, the nature of that error:
 - (c) in any case where whakapapa is alleged to be incorrect, the applicant's version of the correct whakapapa:
 - (d) details as to how the applicant or the person on whose behalf the application is made has been adversely affected by the order or certificate in question:
 - (e) the names and, where obtainable, the addresses of those persons who might be affected if the application is granted.
- (3) The application must be notified in the Panui under rule 5.3 and continue to be notified until either it is determined or set down for inquiry and report under section 46 of the Act.

Compare: SR 1994/35 rr 85, 86

8.3 Chief Registrar or Registrar must make preliminary report

- (1) On receiving an application made under section 45 of the Act, the Chief Registrar must without delay—

- (a) forward a copy of the application to the Chief Judge; and
- (b) either—
 - (i) obtain all relevant files and records of the Court relating to the application and prepare a preliminary report that complies with rule 8.4; or
 - (ii) direct a Registrar to do so.
- (2) The report must be signed by the Chief Registrar or the Registrar, as the case may be.
- (3) The Chief Registrar must forward the report, the application file, and all other relevant files and materials to the Chief Judge.
- (4) The Chief Judge may at any time specify that a report be prepared by a Registrar or that a further report be made by the Chief Registrar or a Registrar.

Compare: SR 1994/35 r 87

8.4 Content of preliminary report

The preliminary report must contain the following:

- (a) a concise history of the order or certificate sought to be corrected:
- (b) details of the mistake or omission alleged by the applicant:
- (c) details of any evidence or findings by the Court in which the mistake or error is alleged to have occurred:
- (d) details of any other evidence or findings by the Court that might be material to the application:
- (e) details of subsequent orders of the Court affecting land to which the application relates:
- (f) details of any payments made as a result of the order or certificate sought to be corrected, whether by the Māori Trustee or by any other person:
- (g) particulars of any moneys currently held in trust that might be affected by an order made as a result of the application:
- (h) consideration as to whether the matter should go to a full hearing or whether the mistake or omission alleged is clearly apparent from the Court's own record:
- (i) a recommendation as to the course of action to be taken, including whether an injunction should be issued to protect moneys currently held in trust.

8.5 Notice to persons affected

The Chief Judge or any Court to which an application has been referred under section 46 of the Act may—

- (a) require the applicant to give notice of the application to the persons affected by it, or as many of them as can be located; or
- (b) direct the Registrar to give that notice.

Compare: SR 1994/35 r 88

8.6 Registrar must give notice of decision

The Registrar must give notice without delay of a decision made under section 44 of the Act to—

- (a) the applicant; and
- (b) any other persons affected whose address is known; and
- (c) the solicitor or agents for the applicant and any other person affected.

Compare: SR 1994/35 r 89

8.7 Procedure on cancellation or amendment of order

- (1) The Registrar must enter details of an order made under section 44 of the Act against the electronic form (if any) of the following records of the Court that are affected by the order:
 - (a) the original order or certificate of confirmation;
 - (b) the minute recording the making of that order or certificate;
 - (c) the memorial schedule for the title to any land to which the order applies.
- (2) The entry must also be made against of any of the records referred to rule 8.7(1) that are held in hard-copy form either in the Court record system or retired and held in storage under rule 7.25.
- (3) The endorsement must state that the order or certificate is cancelled or amended, as the case may be, and include the reference and date of the order under section 44 of the Act.
- (4) The Registrar must similarly endorse any order, record, or document made, issued, or kept by the Court that is consequentially amended under section 47(4) of the Act.

Compare: SR 1994/35 rr 90, 91

Appeal

8.8 Notice of appeal

A notice of appeal must—

- (a) be in form 13; and
- (b) set out full details of the grounds of appeal and the relief sought, or have attached to it a statement that sets out the basis of the appeal in sufficient detail to inform the Court and any other party what the basis of the appeal is; and

- (c) be signed by the appellant or the appellant's solicitor; and
- (d) be filed—
 - (i) within 2 months after the date of the minute of the order that is appealed from; or
 - (ii) if leave has been granted to appeal out of time under rule 8.14, within the extended time allowed.

Compare: SR 1994/35 r 170

8.9 Filing of notice of appeal

- (1) A notice of appeal must be filed in the office of the Chief Registrar.
- (2) With any necessary modifications, the following rules apply to filing a notice of appeal:
 - (a) rules 4.7 to 4.9;
 - (b) rule 4.10, except that the reference in rule 4.10(3) to a Judge must be read as a reference to the Chief Judge;
 - (c) rule 4.22.
- (3) On receipt of a notice of appeal, the Chief Registrar must without delay notify the Registrar of the Court whose order is appealed against and that Registrar must as soon as practicable forward to the Chief Registrar the files and other documents that are necessary for the preparation of the record on appeal.
- (4) The Chief Registrar must ensure that the appeal is notified in the Panui under rule 5.3 and continues to be notified until it is determined or set down for hearing.

8.10 Notification of appeal

- (1) Within 15 working days after a notice of appeal is filed, the Chief Registrar must—
 - (a) serve a copy of the notice of appeal and every accompanying document on the following persons:
 - (i) every person identified in the notice of appeal as a respondent;
 - (ii) every other person who was a party to the proceeding that is the subject of the appeal;
 - (iii) any barrister, solicitor, or agent representing any of the persons in rule 8.10(1)(a)(i) or (ii); and
 - (b) give notice, to any person whose attendance is recorded at the proceeding that is the subject of the appeal or who appears from the record of that proceeding to be a person who should be notified, stating—
 - (i) that a notice of appeal has been filed; and
 - (ii) briefly the grounds of appeal; and

- (iii) that any person who wishes to be notified of further details of the appeal (including the time, date, and place of hearing) should advise the Court within 10 working days after the date of the notice; and
 - (iv) that any person who wishes to appear in support of the appeal or in opposition to it must file a notice of intention to appear within 10 working days after the date of the notice.
- (2) The Chief Registrar must then without delay forward the notice of appeal and the file of the order or decision that is the subject of the appeal to the Chief Judge and include with the file a summary of the notification given under this rule.
- (3) The Chief Registrar must provide the parties, any person who has filed a notice of intention to appear, and any person who has advised the Court under rule 8.10(1)(b)(iii) with—
 - (a) copies of all directions, rulings, and decisions of the Māori Appellate Court in respect of the appeal; and
 - (b) notice of at least 15 working days of time, date, and place of hearing of the appeal.

Compare: SR 1994/35 r 171

8.11 Chief Judge must take steps for hearing of appeal

- (1) The Chief Judge, on receiving a notice of appeal, must—
 - (a) fix the date, time, and place of hearing of the appeal, which must be held in the district of the Court whose order is the subject of the appeal or at some other venue as agreed by the Chief Judge and the parties; and
 - (b) fix security for costs (if any) and the date for payment of the security; and
 - (c) appoint an appeal panel comprising a presiding Judge and at least 2 other Judges to act as the Māori Appellate Court to hear the appeal.
- (2) However, the Chief Judge may defer taking any of the steps in rule 8.11(1) in order to deal with interlocutory or preliminary matters under rule 8.17.
- (3) The date of the hearing of the appeal must not be less than 2 months after the date of the order that is the subject of the appeal unless—
 - (a) the Court has given leave for the issue of a duplicate order under rule 7.5(2)(b); or
 - (b) the Chief Judge is satisfied that there is special reason to hear the appeal promptly and that it is not contrary to the interests of justice to do so.
- (4) The sum of money fixed by the Chief Judge as security for costs must be deposited with the Chief Registrar within the time fixed for payment or any extension of that time.

- (5) The money deposited as security for costs—
- (a) must be held by the Chief Registrar in an account established for that purpose by the Chief Registrar; and
 - (b) may not be disbursed except by order of the Court.

8.12 Powers and duties of Deputy Chief Judge in relation to appeals

The Deputy Chief Judge may, with the authority of the Chief Judge, exercise any of the powers or perform any of the duties of the Chief Judge under rules 8.11, 8.14, and 8.17.

8.13 Leave to appeal from provisional or preliminary determination

- (1) An application for leave to appeal under section 59 of the Act from a provisional or preliminary determination of the Court may be made—
 - (a) orally in open court during the sitting at which the provisional or preliminary determination was made; or
 - (b) in writing lodged with the clerk of the Court during that sitting; or
 - (c) in writing lodged with the Registrar.
- (2) The application must—
 - (a) be in form 14; and
 - (b) be lodged within 1 month after the date on which the determination was made or within any later time allowed by a Judge; and
 - (c) specify the grounds for making the application.
- (3) Unless the Court otherwise directs, the application may be considered and determined without notice in the Panui (except to the extent that it must be notified under rule 6.6), without notice to any party, and without any appearance by the applicant.
- (4) Notice of the appeal must be filed within 2 months after the date on which the Court grants leave to appeal or within any shorter time prescribed by the Court.

Compare: SR 1994/35 r 169

8.14 Leave to appeal out of time

- (1) An appellant who seeks leave to appeal out of time under section 58(3) of the Act must—
 - (a) file an application that complies with rule 8.14(2) in the office of the Chief Registrar; and
 - (b) file a notice of appeal in accordance with rule 8.8.
- (2) The application must—
 - (a) be in form 1 and seek an extension of time for filing a notice of appeal; and
 - (b) set out the reasons for the delay in filing a notice of appeal; and

- (c) set out the grounds on which the extension is sought.
- (3) The Chief Registrar must refer the application to the Chief Judge, who must constitute the Māori Appellate Court to deal with the application.
- (4) The Māori Appellate Court may hear the application in a formal hearing, in which case the application must be set down for a fixture and notified, or it may deal with the application in accordance with the procedure set out in rule 8.20.
- (5) If the application is heard in a formal hearing, the appeal may be set down to be heard in the same hearing.

8.15 Notification in Panui

- (1) The Chief Registrar, on being advised by the Chief Judge as to the date, time, and place of the hearing of an appeal, must notify it in the next available Panui.
- (2) If notification in the next available Panui is too late for a particular appeal, it must be notified in a special Panui under rule 3.16.

8.16 Record on appeal

- (1) The Chief Registrar must, on being directed to do so by the Chief Judge or the Deputy Chief Judge, without delay compile a record on appeal and—
 - (a) provide a copy to each member of the Māori Appellate Court that will hear the appeal in question; and
 - (b) not later than 15 working days before the hearing of the appeal, provide a copy to each party to the appeal.
- (2) The record on appeal must contain as much of the following material as is relevant to the grounds of appeal:
 - (a) the Court file containing the application in question and other documents received or compiled by the Court in respect of the application, including any report made under rule 5.6(3);
 - (b) the Court's notes and transcription of the hearing of the application;
 - (c) the order or determination appealed against;
 - (d) instruments of alienation, statements of account, and other documents or plans deposited in the Court that relate to the subject of the application;
 - (e) the Court file containing the notice of appeal and other documents received or compiled by the Court in respect of the appeal;
 - (f) any other material directed by the Māori Appellate Court to be included.
- (3) The record on appeal must—
 - (a) be numbered consecutively and indexed; and
 - (b) include a full transcript of the hearing that is the subject of the appeal, unless the presiding Judge rules otherwise.

8.17 Preliminary and interlocutory matters

- (1) Interlocutory and preliminary matters to be determined before the hearing of the appeal may be determined by—
 - (a) the Chief Judge, before the appointment of the appeal panel; or
 - (b) the presiding Judge of the Māori Appellate Court, after the appointment of the appeal panel.
- (2) The Chief Judge, or the presiding Judge following consultation with other members of the Māori Appellate Court, as the case may be, may do any of the following:
 - (a) canvass with the parties alternative procedures for the disposal of the appeal, including a reference to mediation or a hearing by remote conference procedures;
 - (b) hold a judicial conference under section 67 of the Act;
 - (c) determine an application filed before the hearing for leave to amend the grounds of appeal;
 - (d) determine any issue of costs or security for costs arising under rule 8.23 where the appeal is withdrawn before the hearing.
- (3) The presiding Judge may, on an application by the appellant,—
 - (a) extend the time for lodging security for costs in the appeal; and
 - (b) with the approval of the Chief Judge, reduce or waive the amount ordered to be paid as security for costs in the appeal.

8.18 Hearing of further evidence

- (1) The parties to an appeal may not adduce further evidence at the hearing of the appeal but are restricted to the evidence recorded as adduced before the Court that made the order or determination appealed from.
- (2) However, the Māori Appellate Court may grant leave to a party to adduce further evidence if it is satisfied that the further evidence may be necessary for it to reach a just decision.
- (3) An application for leave to adduce further evidence must—
 - (a) be filed and notified to the other parties to the appeal not less than 1 month before the hearing of the appeal; and
 - (b) clearly disclose the nature and the form of the evidence to be adduced.

Compare: SR 1994/35 r 173(3)–(7)

8.19 When Māori Appellate Court may dismiss appeal without hearing

- (1) The Māori Appellate Court may dismiss or otherwise dispose of an appeal without a formal hearing where—
 - (a) the appeal is withdrawn before the hearing;

- (b) the appellant has failed to comply with an interlocutory order or direction;
 - (c) the appellant has failed to pay security for costs by the date fixed for payment or, if an extension has been granted, the extended date;
 - (d) it is clear on the face of the appeal that the Māori Appellate Court does not have jurisdiction to hear the appeal.
- (2) The Māori Appellate Court may, without a formal hearing, allow the appeal and order that the matter be reheard if—
- (a) it is clear on the face of the appeal that the matter should be reheard; and
 - (b) the parties consent.

Compare: SR 1994/35 r 174

8.20 Māori Appellate Court may convene without formal hearing to determine certain matters

- (1) The Māori Appellate Court may convene without a formal hearing whether in person or by remote conference procedure for the purpose of dealing with any of the following matters:
- (a) any interlocutory or preliminary matter referred to it by a presiding Judge, including a matter referred to in rule 8.17;
 - (b) a settlement conference or the making of an order by agreement;
 - (c) dismissal of an appeal under rule 8.19 for non-compliance with an interlocutory order or other direction or for non-payment of security for costs;
 - (d) with the consent of the parties, the hearing of the appeal or any issue or argument arising out of the appeal;
 - (e) the withdrawal of the appeal.
- (2) In a matter referred to in rule 8.20(1), the Māori Appellate Court may, after considering representations made to it, direct that the parties file written submissions and determine the matter on the basis of those submissions.
- (3) An order or a determination made by the Māori Appellate Court under this rule must be signed by the presiding Judge and endorsed with a note that it is made under this rule.

8.21 Conduct of appeal hearing

- (1) The following persons may be heard in support of the appeal or may put forward a claim contrary to the order of determination appealed from:
- (a) the appellant;
 - (b) any other party to the appeal;
 - (c) a person who has filed a notice of intention to appear;
 - (d) any other person with the leave of the Māori Appellate Court.

- (2) The appellant may not, except with the leave of the Māori Appellate Court, rely on a ground of appeal unless it is set out in the notice of appeal or amended notice of appeal that has been notified to the other parties.

Compare: SR 1994/35 r 173(2), (10)

8.22 Reinstatement of appeal

- (1) The Chief Judge may at any time make an order reinstating an appeal that has been dismissed under rule 8.19 upon the terms that the Chief Judge thinks fit.
- (2) The Chief Registrar must give notice of an order made under this rule to the parties to the appeal and to any person who has filed a notice of intention to appear.

Compare: SR 1994/35 r 174(4)

8.23 Withdrawal of appeal

- (1) The appellant may withdraw the appeal—
- (a) by notice in writing to the Chief Registrar, at any time before the hearing of the appeal:
 - (b) at the hearing.
- (2) Where the appellant withdraws the appeal, the Māori Appellate Court may make an order as it thinks just for—
- (a) the payment of any costs relating to the appeal; and
 - (b) the disbursement of any sum that has been lodged as security for costs.

Compare: SR 1994/35 r 175(3)

Case stated

8.24 Procedure for stating case

- (1) Where a case is stated under section 60 or 72 of the Act, the procedure set out in rules 8.25 to 8.27 applies unless—
- (a) the Court of hearing directs otherwise; or
 - (b) the Court of hearing itself prepares the case stated.
- (2) Where the Court of hearing itself prepares the case stated, the Court must forward a draft to the parties for approval before finally settling the case stated.

8.25 Responsibility for preparing case stated

- (1) Where a case is stated on the application of 1 only of the parties, that party must prepare the case stated and submit it—
- (a) first, to the other parties for their approval; and
 - (b) after approval by all the parties, to the Court of hearing for its approval.

- (2) Where a case is stated on the initiative of the Court of hearing or with the consent of all the parties, the applicant or the appellant, as the case may be, must prepare the case stated and submit it—
 - (a) first, to the other parties for their approval; and
 - (b) after approval by all the parties, to the Court of hearing for its approval.
- (3) If the parties cannot agree on the matters to be set out in the case stated or the questions of law to be determined, the dispute must be determined by the Judge or presiding Judge, as the case may be.
- (4) In each case, the Court of hearing must finally settle the question of law to be determined.

8.26 Form of case stated

A case stated must—

- (a) be in form 15 if it is to the High Court or in a similar form to form 15 if it is to the Māori Appellate Court; and
- (b) state clearly and concisely in consecutively numbered paragraphs the facts and any reference to documents giving rise to the question of law to be determined.

8.27 Case stated for High Court

- (1) Where the Court seeks the leave of the Chief Judge to state a case for determination by the High Court under section 72 of the Act, the Court must submit the case stated to the Chief Judge for approval together with a statement of the facts that in the Court's opinion are relevant to determining whether leave should be given.
- (2) The case stated, after leave is given by the Chief Judge, must be finally settled under rule 8.25 and transmitted by the Registrar to the Registrar of the High Court nearest to which the subject matter of the application or appeal is situated.
- (3) A case stated by the Māori Appellate Court for determination by the High Court must be filed in the Māori Appellate Court in triplicate and 1 copy of the case stated must be transmitted by the Registrar to the Registrar of the High Court nearest to which the subject matter of the appeal is situated.
- (4) The party responsible under rule 8.25 for preparing the case stated must pay the fee (if any) payable on the case stated being sent to the High Court.

Part 9

Civil applications, injunctions, and other applications

Civil applications

9.1 Types of civil application

- (1) Rules 9.2 to 9.4 apply to the following applications, which are civil in nature:
 - (a) an application for damages for trespass or other injury to Māori freehold land (section 18(1)(c) of the Act):
 - (b) an application founded on contract or tort where the debt, demand, or damage relates to Māori freehold land (section 18(1)(d) of the Act):
 - (c) an application for the recovery of Māori freehold land (section 20 of the Act):
 - (d) an application for relief against the cancellation of a lease of Māori freehold land (section 21 of the Act):
 - (e) an application for relief against the refusal of the lessor of Māori freehold land to extend or renew the lease, etc (section 22 of the Act):
 - (f) an application for the specific performance of a lease of Māori freehold land or of General land owned by Māori that ceased to be Māori land under Part 1 of the Maori Affairs Amendment Act 1967 (section 22A of the Act):
 - (g) an application for entry on to neighbouring Māori freehold land (section 23 of the Act):
 - (h) an application for relief for a wrongly placed structure on Māori freehold land (section 24 of the Act):
 - (i) an application to determine a claim, dispute, or question arising under the Fencing Act 1978 in respect of Māori freehold land or General land owned by Māori (section 26 of the Act).
- (2) The Court may adapt or amend the procedure set out in rules 9.2 to 9.4 to fit the circumstances of a particular case, whether on its own initiative or at the request of a party.
- (3) Rules 9.2 to 9.4 apply to an application listed in rule 9.1(1) notwithstanding that the application also claims an injunction as a remedy.

9.2 Form of civil application

An application to which this rule applies must—

- (a) be in form 1; and
- (b) be filed in duplicate; and
- (c) comply with rule 4.2; and

- (d) state the following matters (in an accompanying statement, if they cannot be conveniently included in form 1):
 - (i) the general nature of the applicant's claim; and
 - (ii) relevant particulars of time, place, amounts, names of persons, dates of documents or other records, and other circumstances in sufficient detail to fully and fairly inform the Court and the other parties of the nature and grounds of the applicant's claim; and
 - (iii) in a separate paragraph for each ground for making the application or for each issue in dispute, a statement of that ground or issue and, if separate amounts are claimed in respect of separate grounds or issues, the amount claimed in respect of that ground or issue; and
 - (iv) the nature and particulars of any damages that are claimed, and their amounts; and
 - (v) the nature of any other relief or remedy that is claimed.

9.3 Notification and service of civil application

- (1) The following rules apply to notification and service of a civil application:
 - (a) rules 9.2 and 9.3 to the exclusion of rule 4.13;
 - (b) rule 4.22 applies to the method of service.
- (2) However, a Judge may direct further notification or service (including method of service) as he or she thinks fit.
- (3) When an application to which this rule applies is filed, the Registrar must without delay—
 - (a) allocate a provisional fixture for hearing the application on a date that is not less than 1 month after the application is filed; and
 - (b) refer the application to a Judge for directions; and
 - (c) subject to any directions from the Judge,—
 - (i) complete a notice in form 16; and
 - (ii) attach that notice to the duplicate of the application; and
 - (iii) forward the duplicate and the form 16 notice to the applicant.
- (4) The applicant must—
 - (a) serve a copy of the duplicate and the form 16 notice on the respondent named in the application not less than 10 working days before the date of the provisional fixture allocated by the Registrar under rule 9.3(3)(a); and
 - (b) either file an affidavit of service of the documents on the defendant or produce other evidence of that service at the hearing.

- (5) In giving directions under rule 9.3(3)(b), a Judge may direct that the provisional fixture be confirmed, in which case the Registrar must amend form 16 to refer to the confirmed fixture.

9.4 Respondent may file notice of intention to appear

- (1) A respondent who intends to defend the application must, within 10 working days after service of the application and the form 16 notice,—
- (a) file in the Court a notice of intention to appear in accordance with rule 5.9; and
 - (b) serve a copy of the notice of intention to appear on the applicant.
- (2) If, within the time for filing a notice of intention to appear (including any extension of time granted by a Judge), the respondent fails to do so, then the Court—
- (a) may proceed to hear the application on the provisional date (or such other date as is fixed by the Court) in the absence of the respondent, and without further notice to the respondent; and
 - (b) on the production by the applicant of sufficient evidence in support of the application, may give judgment for the applicant.

Injunctions

9.5 Application for injunction

- (1) An application for an injunction under section 19 of the Act must be in form 1 unless the Court gives leave for the application to be made in the course of a proceeding.
- (2) On receipt of an application for an injunction, the Registrar must without delay refer it to a Judge for directions.
- (3) The Court may give directions as to who must arrange for the service of the application, and how it must be served.
- (4) Unless the Court directs otherwise, the applicant must arrange for the application to be served by way of personal service.
- (5) Except where the application is urgent, the Court may hear the application after reasonable notice of the application has been given to the parties.

Compare: SR 1994/35 r 81(1)–(5)

9.6 Urgent application for injunction

- (1) An urgent application must be accompanied by an affidavit or statutory declaration verifying the facts stated in the application and setting out the reasons for urgency.
- (2) The applicant must, on the same day as the application is filed, send to the respondent by ordinary post—

- (a) a copy of the application and the supporting documents; and
 - (b) notice stating that the application has on that day been filed, the Court in which it has been filed, and that it has been made as an urgent application.
- (3) An urgent application for an interim injunction may be considered and determined without notice in the Panui (except to the extent that it must be notified under rule 6.6), without notice to any party, and without any appearance by the applicant.
- (4) Where the Court grants an injunction on an urgent application made without notification under rule 4.13 or in the Panui, the substantive application must, unless the Court otherwise directs, be set down and heard in the first available sitting in accordance with rule 5.4.

9.7 Order of injunction

- (1) Unless the Court directs otherwise, the applicant must arrange for the service of the order, and service must be by way of personal service.
- (2) The Court may order that the injunction binds not only the respondent but also the respondent's agents, employees, contractors, or invitees, even although only the respondent is named in the application.
- (3) Unless the order states otherwise, the order takes effect on the date on which it is made and may be issued from the Court immediately.

9.8 Enforcement of injunction

- (1) The Chief Judge must not, under section 85 of the Act, send a copy of the order to a Registrar of the High Court unless either—
- (a) an affidavit of service of the order has been filed in the Court; or
 - (b) a Judge has directed that service of the order is not required.
- (2) The copy of the order sent to a Registrar of the High Court must be accompanied by a memorandum in form 17.
- (3) A certificate given by a Judge under section 85(3) of the Act must be addressed to a Registrar of the High Court.

Compare: SR 1994/35 rr 81(8), 82

9.9 Cancellation of injunction

- (1) The following persons may apply for the cancellation of an injunction:
- (a) the person against whom the order was made; or
 - (b) a Registrar; or
 - (c) any interested person.
- (2) The application may be considered and determined without notice in the Panui (except to the extent that it must be notified under rule 6.6), without notice to

any party, and without any appearance by the applicant if it is clear that the injunction is spent or has been overtaken by other events.

- (3) In all other cases, the application must be—
 - (a) served on all the parties in accordance with rule 4.22; and
 - (b) notified under rule 4.13; and
 - (c) set down for a hearing.
- (4) If a copy of the injunction has been sent to the High Court under section 85 of the Act, the Registrar must send to the High Court a copy of the order cancelling the injunction.

Compare: SR 1994/35 r 83

Other applications

9.10 Application to restore effect of lost instrument of alienation

- (1) An application under section 25 of the Act (an application to restore the effect of a lost instrument of alienation) must be accompanied by an affidavit—
 - (a) setting out the circumstances in which the instrument of alienation was lost or destroyed; and
 - (b) annexing a copy of the instrument of alienation, if a copy exists; and
 - (c) containing all other information that is necessary for the Court to exercise its powers under section 25 of the Act.
- (2) On receipt of the application, the Registrar must—
 - (a) attach to it a report on the relevant transaction, including any reference to the transaction that appears in the Court records; and
 - (b) refer the application to the Court for directions.
- (3) The Registrar must not allocate a fixture until the reference for directions has been dealt with by a Judge.
- (4) The application may be considered and determined without notice in the Panui (except to the extent that it must be notified under rule 6.6), without notice to any party, and without any appearance by the applicant if the Court is satisfied that the alienation has been transacted in accordance with all legal requirements and has been given effect by the parties to it.

Compare: SR 1994/35 r 84

9.11 Request for advice on, or application for determination of, representation of Māori groups

- (1) A request or an application under section 30 of the Act for advice on or the determination of representation of a class or group of Māori must be in form 18.
- (2) An application for the determination of representation must be accompanied by a statement setting out—

- (a) the name or identity of the class or group that is the subject of the application; and
 - (b) the names and addresses of any persons or bodies who it is claimed should be the representatives of the class or group or from whom those representatives should be drawn; and
 - (c) the names and addresses of any persons or bodies that currently represent or purport to represent the class or group on any matter; and
 - (d) the purpose for which the determination is sought; and
 - (e) any other information that is necessary for the Chief Judge to exercise his or her powers under section 30C of the Act.
- (3) An application for advice as to representation must be accompanied by a statement setting out—
- (a) as much of the information in rule 9.11(2)(a) to (c) as is relevant when regard is had to the nature of the application; and
 - (b) the purpose for which the advice is sought; and
 - (c) any other information that is necessary for the Chief Judge to exercise his or her powers under section 30B of the Act.
- (4) The application must be filed in the office of the Chief Registrar who must refer it without delay to the Chief Judge for directions.
- (5) The application must be notified in accordance with the directions of a Judge and is not required to be notified under rule 4.13.

9.12 Application to appoint receiver

- (1) An application for the appointment of a receiver under section 83 of the Act—
- (a) must be in form 1; and
 - (b) must be accompanied by the proposed receiver's written consent to appointment; and
 - (c) may, in a case of urgency, be heard by the Court at any time on such notice as a Judge directs.
- (2) The Court may require a person (other than the Māori Trustee) who is appointed as a receiver under section 83 of the Act to give security for the proper exercise of that person's duties as receiver.
- (3) A receiver appointed under section 83 of the Act must—
- (a) keep proper accounts of the receivership; and
 - (b) lodge with the Court from time to time or as the Court directs statements of account of the receivership; and
 - (c) pay into Court any surplus remaining after payment by the receiver of amounts authorised by the Court to be paid.

Part 10

Succession and related applications

Succession

10.1 Application for search of beneficial interest in Māori freehold land

- (1) An application for the search by the Registrar of the beneficial interests of a deceased person in Māori freehold land must be in form 19.
- (2) On receipt of an application in form 19 or any application for succession, the Registrar must—
 - (a) search all relevant records of the Court; and
 - (b) complete a schedule that—
 - (i) lists all beneficial interests in Māori freehold land that are known to have been owned by the deceased person at the date of his or her death; and
 - (ii) includes the following details in relation to each beneficial interest listed:
 - (A) the name of the block; and
 - (B) the share held by the deceased in the block; and
 - (C) the total shares in the block; and
 - (D) the area of the block; and
 - (E) details of alienations of, and encumbrances over, the interest; and
 - (F) the derivation of the interest; and
 - (G) the value of the interest, if known.
- (3) For the purposes of these rules, the schedule referred to in rule 10.1(2)(b) is called the **Part 4 search**.

Compare: SR 1994/35 r 100

10.2 Application for succession under section 113, 117, or 118

- (1) An application under section 113 of the Act to determine beneficial entitlements to Māori freehold land—
 - (a) must be in form 21 if administration of the estate has been granted or in form 22 if administration has not been granted; and
 - (b) may be made separately or as part of an application under section 117 or 118 of the Act.
- (2) An application for succession—
 - (a) under section 117 of the Act must be in form 21:
 - (b) under section 118 of the Act must be in form 22.

- (3) Where the application is made by the administrator of an estate, the administrator may—
- (a) file a certificate in form 20 certifying—
 - (i) that the persons named in the certificate are entitled to succeed to the interest or interests to which the application relates; and
 - (ii) the basis of their entitlement to succeed; or
 - (b) elect to leave the matter to be determined by the Court on the evidence before it.

Compare: SR 1994/35 r 102

10.3 Application for succession: steps to be taken by Registrar on filing

On the filing of an application for succession under section 117 or 118 of the Act, the Registrar must—

- (a) make a search under rule 10.1 and place the resulting Part 4 search on the Court file in respect of the application; and
- (b) prepare and place before the Court a report containing—
 - (i) a summary of facts based on the Part 4 search, the Court records, and the information contained in the application; and
 - (ii) details of the next of kin of the deceased person; and
 - (iii) a list of the persons who are legally entitled to succeed to the deceased's interests and of their various entitlements; and
- (c) provide a copy of the report to the applicant or the applicant's solicitor; and
- (d) except where the application is not required to be made on notice, arrange a pre-hearing conference between the applicant and a Court officer to verify the information contained in the report.

10.4 Notice of application for succession

- (1) An application for succession under section 113, 117, or 118 of the Act is not required to be notified under rule 4.13.
- (2) However,—
 - (a) an applicant should, where practicable, advise other family members of the application and consult with them with regard to it; and
 - (b) the Court may adjourn an application for advice and consultation to occur if it considers that the failure to advise and consult may be prejudicial to any person who may be entitled to succeed.
- (3) A Judge may direct that notice of the application be given to any person who the Judge considers may be affected by the application.

10.5 Registration of succession order

- (1) This rule applies where a person seeks to register an order under section 113, 117, or 118 of the Act against the land transfer title for 1 or some only of several blocks named in a succession order.
- (2) The Registrar may, in issuing a duplicate order under rule 7.12, name only the block or the blocks against which the duplicate order is to be registered.
- (3) The original order must be noted as required by rule 7.12(4) and the date of registration and title reference entered on the memorial schedule for the land affected.
- (4) For the issue of further duplicate orders, the Registrar must follow the procedure set out in rule 10.5(2) and (3).

Compare: SR 1994/35 r 103

10.6 Application to vest interest of deceased Māori in General land

- (1) An application under section 111 of the Act—
 - (a) must be in form 1 or may be determined as a part of an application under section 113, 117, or 118 of the Act; and
 - (b) must be accompanied by a current land transfer search of the title to all the land that is the subject of the application.
- (2) The applicant may—
 - (a) file a certificate in form 20 certifying—
 - (i) that the person named in the certificate is entitled to succeed to the interest to which the application relates; and
 - (ii) the basis of the person's entitlement to succeed; or
 - (b) elect to produce evidence to the Court to establish the persons entitled to succeed.
- (3) If the deceased person died intestate and is survived by a spouse, the applicant must also file a statement stating—
 - (a) the assets and liabilities of the deceased person and their value at the date of death; and
 - (b) particulars of any distributions that have been made from the estate.
- (4) Subject to any direction that a Judge may give as to notice, the application may be considered and determined without notice in the Panui (except to the extent that it must be notified under rule 6.6), without notice to any party, and without any appearance by the applicant.

Compare: SR 1994/35 r 104

10.7 Procedure in cases excluded from Part 4 of Act

An application in respect of a matter that is excluded from Part 4 of the Act under section 100(2) of the Act may be made in a form prescribed under these rules if the form is consistent with the law that applies to the application.

Compare: SR 1994/35 r 107

10.8 When succession order or determination as to entitlement may be made without notice

- (1) An application to which this rule applies may be considered and determined without notice in the Panui (except to the extent that it must be notified under rule 6.6), without notice to any party, and without any appearance by the applicant, if—
 - (a) a grant of administration has been obtained; and
 - (b) the form of the application is fully and properly completed; and
 - (c) the application is accompanied by an affidavit or a statutory declaration verifying the facts set out in the application and that the persons named in the application are entitled to succeed.
- (2) This rule applies to an application for a determination under section 113 of the Act as to the persons entitled to succeed if—
 - (a) a grant of administration has been obtained; and
 - (b) a certificate in form 20 has been filed.
- (3) This rule applies to an application for succession under section 117 of the Act if—
 - (a) a grant of administration has been obtained; and
 - (b) the form of the application is fully and properly completed; and
 - (c) the applicant has requested a hearing without notice and has completed the declaration at the foot of the application; and
 - (d) the Court is satisfied that the persons named in the application are entitled to succeed and that there are no outstanding issues or interests in relation to the deceased estate to be settled.
- (4) A Judge may in any case direct that notice be given or that further information or evidence be produced.

Related applications

10.9 Order in respect of further land interests

- (1) This rule applies where a succession order has been made and subsequently further interests of the deceased person in Māori freehold land are located.
- (2) The Court file for the original application may be referred to a Judge without any further formal application and the Judge may—

- (a) make a further succession order in respect of the further interests in Māori freehold land, if the Judge is satisfied from the evidence in support of the original order that the entitlement to succeed to those interests is clearly established; or
- (b) direct that the matter be set down for a formal hearing and that notice of the hearing be given to interested parties.

10.10 Transmission of Māori land to administrator

- (1) An application under section 112 of the Act for an order vesting in the administrator of an estate a beneficial interest in Māori freehold land must be—
 - (a) in form 1; and
 - (b) accompanied by details of the land to be vested and—
 - (i) a certificate of administration; or
 - (ii) the original grant of probate or letters of administration or a certified copy of the grant or letters, and a further copy for noting by the Registrar.
- (2) If a certified copy of a document is produced, a Judge may require that the original document be produced for inspection.
- (3) The application may be considered and determined without notice in the Panui (except to the extent that it must be notified under rule 6.6), without notice to any party, and without any appearance by the applicant.

Compare: SR 1994/35 r 101

10.11 Application for transmission of joint tenancy by survivorship or for termination of life interest

- (1) An application under section 18(1)(a) of the Act for the transmission of a joint tenancy in Māori freehold land by survivorship or for the termination of a life interest in Māori freehold land must—
 - (a) be in form 24 with all necessary modifications; and
 - (b) if the application arises out of the death of a person, be accompanied by a copy of the death certificate for that person.
- (2) The application may be considered and determined without notice in the Panui (except to the extent that it must be notified under rule 6.6), without notice to any party, and without any appearance by the applicant.

Part 11
**Applications relating to land: status, alienation, assembled owners,
exchange, and representation**

Status

11.1 Application for change of status from General land to Māori freehold land

- (1) An application under section 133 of the Act for an order changing the status of General land or General land owned by Māori to Māori freehold land must be—
- (a) in form 1; and
 - (b) include or be accompanied by—
 - (i) an up-to-date search of the title to the land under the Land Transfer Act 1952; and
 - (ii) the names and addresses of the owners of the land; and
 - (iii) the names and addresses of the persons who hold a mortgage, charge, or other encumbrance over the land; and
 - (iv) a signed consent, witnessed in accordance with rule 11.1(2)(b), to the proposed order by each of the persons referred to in rule 11.1(1)(b)(ii) and (iii) where obtainable; and
 - (v) a statement by the applicant—
 - (A) that the applicant is not aware that any proceedings in respect of the land have been filed in any court or are pending; or
 - (B) if the applicant is aware of such a proceeding, giving details of the proceeding.
- (2) The application may be considered and determined without notice in the Panui (except to the extent that it must be notified under rule 6.6), without notice to any party, and without any appearance by the applicant if—
- (a) the applicant's statement required by rule 11.1(1)(b)(v) does not disclose a proceeding in respect of the land; and
 - (b) the applicant files signed consents to the proposed order by each of the persons referred to in rule 11.1(1)(b)(ii) and (iii) that has been witnessed by an independent witness who has printed beneath his or her signature his or her full name, occupation, and residential address; and
 - (c) the applicant files a brief statement sufficient to satisfy the Court that it is desirable that the status of the land be changed having regard to the history of the land and the personal association of the owners with the land.

11.2 Application for change of status from Māori land to General land

- (1) An application under section 135 of the Act for an order changing the status of Māori freehold land or Māori customary land to General land must be—
 - (a) in form 1; and
 - (b) include or be accompanied by a statement by the applicant—
 - (i) providing details of any trust to which the land or any interest in the land is subject; or
 - (ii) stating that neither the land nor any interest in the land is subject to a trust.
- (2) On receipt of the application, the Registrar must refer it to a Judge for directions.

*Alienation of Māori land***11.3 Application for confirmation of instrument of alienation**

- (1) An application under section 151(1)(a) of the Act must be—
 - (a) in form 25; and
 - (b) accompanied by the following:
 - (i) evidence of compliance with the right of first refusal under section 147A of the Act, if applicable; and
 - (ii) a signed statement by each alienee who is a preferred alienee setting out how he or she qualifies as a preferred alienee, including any necessary whakapapa details to establish that qualification; and
 - (iii) the original instrument of alienation duly executed, dated, and attested as required by rule 11.10; and
 - (iv) 2 copies of the original instrument of alienation, 1 for use by the trustee or agent appointed under section 159 of the Act and 1 for retention as part of the permanent record of the Court; and
 - (v) a special valuation of the land and any improvements on it or of the interest alienated (including, in the case of lease, the fair market rental), unless an application for an exemption from the requirement of a special valuation is made under rule 11.4; and
 - (vi) in the case of an alienation of Māori freehold land that is, or is part of, an overseas investment in sensitive land within the meaning of the Overseas Investment Act 2005, the consent under that Act to that investment or the exemption under that Act from the requirement of consent.

- (2) The Court must not, if an exemption from the requirement of a special valuation has been declined, make a final order of confirmation unless the application is supported by a special valuation.

Compare: SR 1994/35 r 110

11.4 Application for exemption from providing special valuation

- (1) An application for an exemption from the requirement under section 158 of the Act of providing a special valuation must be—
- (a) in form 26; and
 - (b) accompanied by a current roll valuation in respect of the land or interest alienated or other evidence of the current value of the land or interest alienated that is acceptable to the Court.
- (2) The application may be considered and determined without notice in the Panui (except to the extent that it must be notified under rule 6.6), without notice to any party, and without any appearance by the applicant.

Compare: SR 1994/35 r 111

11.5 Procedure for notifying preferred classes of alienees as to right of first refusal

- (1) Where a right of first refusal must be given under section 147A of the Act, an application for confirmation of alienation under rule 11.3 must be referred to a Judge for directions as to—
- (a) a hearing date that will allow sufficient time for notice of the right of first refusal to be given to the preferred classes of alienees; and
 - (b) any other matter that is relevant, including directions as to notice.
- (2) For determining whether any preferred alienees wish to exercise their right of first refusal, an applicant for confirmation of alienation under rule 11.3 must—
- (a) give public notice that complies with rule 11.5(3); and
 - (b) following publication, without delay file a copy of the notice with the Registrar; and
 - (c) comply with any directions that the Court has made in relation to notice.
- (3) The notice required under rule 11.5(2) must—
- (a) be in form 27; and
 - (b) be published at least twice at intervals of not less than 5 working days in a newspaper approved by the Registrar and circulating in the district in which the land is situated; and
 - (c) stipulate a date for filing and serving a notice of intention to exercise the right of first refusal that is not less than 15 working days after the date of publication of the second notice.
- (4) On receipt of the notice, the Registrar must—

- (a) arrange for the alienation to be notified in the next available Panui; and
 - (b) display a copy of the notice on a noticeboard in the public office of the Court for not less than 3 months, or until the application for confirmation is heard, if that occurs before 3 months.
- (5) A preferred alienee who wishes to exercise a right of first refusal must file in the Court and serve on the applicant, within the time fixed by the notice given under this rule, a notice in writing stating—
- (a) that he or she intends to exercise the right of first refusal; and
 - (b) his or her full name and contact address.
- (6) The Registrar must give notice of the time, date, and place of the hearing of the application for confirmation to each person who files a notice of intention to exercise the right of first refusal.

Compare: SR 1994/35 r 112

11.6 Requirement of right of first refusal: when Court may confirm alienation

- (1) In a case where a right of first refusal must be given under section 147A of the Act, the Court may—
- (a) confirm the alienation that is the subject of the application if the applicant establishes to the satisfaction of the Court that—
 - (i) no preferred alienee has given notice of his or her intention to exercise the right of first refusal; or
 - (ii) that the following applies:
 - (A) 1 or more alienees have given notice of their intention to exercise the right of first refusal; and
 - (B) the provisions of rule 11.7 have been complied with in relation to the exercise of the right of first refusal; and
 - (C) no alienee has in fact exercised the right of first refusal; or
 - (b) confirm the alienation to a preferred alienee who has exercised the right of first refusal in accordance with rule 11.7.
- (2) The Court may confirm the alienation subject to such terms as it thinks fit for the completion of the alienation.

11.7 Exercise of right of first refusal

- (1) An alienor must give a preferred alienee who has given notice of his or her intention to exercise the right of first refusal a reasonable opportunity to exercise that right.
- (2) If more than 1 preferred alienee has given notice of his or her intention to exercise the right of first refusal, the alienor may select the alienee to whom the opportunity of exercising the right of first refusal must be given.
- (3) The right of first refusal must—

- (a) be on terms that are at least equivalent to the terms of the alienation that is the subject of the application for confirmation; and
 - (b) allow the preferred alienees a reasonable time, having regard to the nature of the alienation, to exercise the right of first refusal.
- (4) If the Court is not satisfied that the preferred alienee has been given a reasonable opportunity to exercise the right of first refusal, the Court may—
- (a) extend the time for exercise of the right of first refusal:
 - (b) adjourn the application for confirmation to allow negotiation between alienor and preferred alienee to occur.
- (5) If the preferred alienee who exercises the right of first refusal is not the alienee named in the original application, the Court may amend the application and confirm the alienation without the necessity for a new application.
- (6) If a preferred alienee who is selected under rule 11.7(2) fails to complete the alienation, the alienor must then offer the opportunity of exercising the right of first refusal to any of the other preferred alienees who were involved in the selection process under rule 11.7(2) and the provisions of this rule continue to apply until—
- (a) the right of first refusal has been exercised; or
 - (b) all preferred alienees who have given notice have been given the opportunity to exercise the right of first refusal.

11.8 Confirmation on default by preferred alienee

- (1) This rule applies where the Court has confirmed an alienation to a preferred alienee in substitution for the alienee named in the original application, and on the default of the preferred alienee the Court cancels the order or the alienor cancels the alienation to the preferred alienee.
- (2) The Court may confirm the alienation to the alienee named in the original application if the Court is satisfied that all preferred alienees have been given the opportunity to exercise the right of first refusal and that none intends to do so.

11.9 Application for approval of alienation by long-term lease

- (1) An application for the approval of the Court of the alienation of Māori freehold land by long-term lease under section 150A(1)(b), 150B(1)(b), or 150C(1)(b) of the Act must—
- (a) be in form 1; and
 - (b) include or be accompanied by—
 - (i) a statement by the applicants as to the following matters:
 - (A) the reasons for entering into a long-term lease; and

- (B) the benefits of a long-term lease to the owners of the land or the shareholders of the Māori incorporation in which the land is vested, as the case may be; and
 - (C) the method of calculation of the rental or other consideration for the lease, and how it compares with the market rental for the land; and
- (ii) the written consents to the application of owners or shareholders holding not less than 50% of the total shareholding or sufficient other evidence (for example, a resolution passed by poll vote according to shareholding at a meeting of owners) that those consents have been obtained.
- (2) For the definition of **long-term lease**, see section 4 of the Act which defines it as a lease for a term of more than 52 years or for a term that would be more than 52 years if 1 or more rights of renewal were exercised.

11.10 How instrument of alienation of interest in Māori freehold land must be signed and witnessed

- (1) An instrument of alienation of an interest in Māori freehold land must—
 - (a) be signed by each of the parties to be bound by it; and
 - (b) state the date on which each of the parties signed it.
- (2) If the instrument is signed on different dates by several alienors, the date of execution for the purposes of section 151(2)(a) of the Act is the date on which the instrument was first signed by an alienor.
- (3) The signature of an alienor signing the instrument in New Zealand must be witnessed by a person 20 years old or more who is not a member of the alienor's immediate family and not an owner of the land alienated.
- (4) The witness must sign his or her signature and print beneath it his or her full name, occupation, and residential address.
- (5) The signature of an alienor signing the instrument outside New Zealand must be witnessed by any of the following persons by the witness signing his or her signature, printing beneath it his or her full name, occupation or qualification, and address, and affixing his or her stamp or seal of office (if any):
 - (a) a notary public;
 - (b) a commissioner of oaths;
 - (c) a solicitor of the High Court of New Zealand;
 - (d) a person admitted to practise as a solicitor in a state of Australia;
 - (e) a person appointed as a Justice of the Peace in Australia;
 - (f) a Commonwealth representative;
 - (g) a person admitted to practise as a solicitor, lawyer, or attorney in the country in which the instrument is signed.

- (6) The Court may confirm an alienation that has not been witnessed in accordance with this rule if—
- (a) the alienor appears before the Court and confirms that he or she has signed the instrument of alienation; or
 - (b) suitable evidence is adduced in the Court that establishes that the alienor has signed the instrument of alienation; or
 - (c) in a case where the requirement of rule 11.10(5) has not been satisfied because of a technicality, the Court is satisfied that the signature of the alienor has in fact been witnessed by a witness listed in that sub-rule or has been witnessed before a public official of standing in the country in question.

- (7) For the purposes of this rule,—

Commonwealth country means a country that is a member of the Commonwealth; and includes—

- (a) a territory for the international relations of which the member is responsible;
- (b) the Republic of Ireland as if it were a member of the Commonwealth

Commonwealth representative means any Ambassador, High Commissioner, Commissioner, Minister, Counsellor, Chargé d’Affaires, Head of Mission, Consular Officer, Pro-consul, Trade Commissioner, or Tourist Commissioner of a Commonwealth country (including New Zealand); and includes any person lawfully acting for any such officer; and also includes any diplomatic secretary on the staff of any such Ambassador, High Commissioner, Commissioner, Minister, Counsellor, Chargé d’Affaires, or Head of Mission.

Compare: SR 1994/35 r 113

11.11 Registrar’s certificate of confirmation

- (1) For the issue of a certificate of confirmation by the Registrar under section 160 of the Act, a person must file—
- (a) the original instrument of alienation; and
 - (b) a copy of the instrument of alienation for retention by the Court; and
 - (c) a certificate by the alienor that the land is not subject to any trust or alternatively that the alienation is not in breach of any trust to which the land is subject.
- (2) On production of the documents listed in rule 11.11(1) and on being satisfied as to the provisions of section 160(3) of the Act, the Registrar must issue and seal a certificate of confirmation as to the instrument of alienation.

Compare: SR 1994/35 r 114

11.12 Form of certificate of confirmation by Court or Registrar

- (1) A certificate of confirmation given by the Court under section 155(1)(a) of the Act must be in form 28.
- (2) A certificate of confirmation given by the Registrar under section 160(3) of the Act must be in form 29.

Compare: SR 1994/35 r 114(1)

11.13 Application for vesting order

- (1) An application for a vesting order under section 164 of the Act must—
 - (a) be in form 30; and
 - (b) state the relationship of the transferor and the transferee; and
 - (c) be accompanied by—
 - (i) whakapapa or other documentary evidence establishing that the transferee belongs to a preferred class of alienee; and
 - (ii) the original of any written contract or other agreement that is the basis for the application; and
 - (iii) the valuation required by rule 11.14.
- (2) An agreement in form 31 duly completed may be used as the basis for the application.
- (3) A Judge may direct that a copy of the current roll valuation for any land that is, or an interest in which is, the subject of the application be filed or produced.
- (4) Where money is to be paid for the transfer of the land or interest in the land, a certificate that the money has been paid and signed by any of the following persons is sufficient evidence for the purposes of section 164(5) of the Act:
 - (a) the Māori Trustee;
 - (b) an agent appointed by the Court;
 - (c) a trustee appointed under the Act and authorised to give the certificate;
 - (d) the alienor.
- (5) Where the application is to vest by gift land or an interest in land having a value greater than \$2,000, evidence by the alienor in support of the application may be—
 - (a) given in person; or
 - (b) given by affidavit or declaration; or
 - (c) taken by the Registrar under rule 6.25; or
 - (d) with the approval of a Judge, given in an audio-visual recording; or
 - (e) given in a remote conference procedure.

Compare: SR 1994/35 r 115

11.14 Valuation in support of application for vesting order

- (1) An application for a vesting order under rule 11.13 must be accompanied by a special valuation of the land or the interest in land that is the subject of the application unless—
 - (a) the transfer is by gift; or
 - (b) an application for an exemption from the requirement of a special valuation has been made under rule 11.4.
- (2) The Court must not, if an exemption from the requirement of a special valuation has been declined, make a final vesting order unless the application is supported by a special valuation.
- (3) If an exemption from the requirement of a special valuation has been granted under rule 11.4 and the transfer is by way of sale, the application must be accompanied by a copy of the current roll valuation for each block of land that is, or an interest in which is, the subject of the application.

Compare: SR 1994/35 r 115(3)

11.15 Notice of application for vesting order

- (1) An application for a vesting order is not required to be notified under rule 4.13.
- (2) However, the applicant must give notice of the time, date, and place of the hearing to the other parties to the alienation.
- (3) An applicant should where practicable consult with and advise members of his or her immediate whanau in regard to the application, and the Court may adjourn the application and give directions as to notice if it considers that prejudice may arise where this process has not occurred.
- (4) A person who is not the alienor must not be required to attend the hearing unless his or her presence is necessary to satisfy the Court as to any of the matters set out in section 152 of the Act.

11.16 Alienation of Māori freehold land must be entered in Māori Land Court title record or entered against memorial schedule

The Registrar must ensure that all completed alienations of Māori freehold land or interests in Māori freehold land within his or her district that are effected by an order of the Court, given effect by a certificate of confirmation issued under the Act, or approved by the Court under section 150A, 150B, or 150C of the Act are properly entered in the Māori Land Court title record or noted against the memorial schedule, whichever is appropriate.

Assembled owners

11.17 Application to call meeting of owners

- (1) An application under section 173(1) of the Act for a meeting of owners to be called must—

- (a) be in form 32; and
- (b) include or be accompanied by—
 - (i) a list of owners and their residential addresses where obtainable through reasonable inquiry, including the residential addresses of the trustees of those interests subject to a trust; and
 - (ii) a special valuation of any land and any improvements on it or of the interest in the land proposed to be alienated (including, in the case of a lease, the fair market rental) unless an application for an exemption from the requirement for a special valuation is made under rule 11.4; and
 - (iii) if it is proposed that any land be alienated by sale or gift to a preferred alienee, details of whakapapa establishing that status; and
 - (iv) any other information that is necessary to explain the full nature and effect of the proposal put forward in the resolution to be considered by the meeting.
- (2) Details of the valuation required by rule 11.17(1)(b)(ii) must be included in the notice of meeting, unless a Judge directs otherwise.
- (3) The application may be considered and determined without notice in the Panui (except to the extent that it must be notified under rule 6.6), without notice to any party, and without any appearance by the applicant.

Compare: SR 1994/35 r 116

11.18 Direction to summon meeting and notice to preferred classes of alienees

- (1) The Registrar must refer an application filed under section 173 of the Act to a Judge.
- (2) The Judge must—
 - (a) direct that the meeting be called, if the Judge is satisfied, without calling upon the applicant or the owners to appear, that the meeting should be called; or
 - (b) give the applicant an opportunity to make submissions in support of calling the meeting without a hearing; or
 - (c) set the application down for a hearing.
- (3) The Judge may make any directions that are appropriate, including a direction that—
 - (a) any report or document that the Judge considers relevant to owners' interests must be sent with the notice of meeting or must be available and read at the meeting;
 - (b) an explanatory memorandum prepared by the Court must be sent with the notice of meeting or must otherwise be brought to the attention of the owners.

- (4) If the proposed resolution is for the alienation of land and the right of first refusal under section 147A of the Act applies,—
- (a) the Judge must make a direction as to notice; and
 - (b) the applicant must, after being advised by the Registrar of the time, date, and place of the meeting, give notice of the meeting in form 27 in accordance with the Judge's directions; and
 - (c) the Registrar must without delay notify the right of first refusal—
 - (i) in the next available Panui; and
 - (ii) until the meeting is held, on a noticeboard in the Court office.

Compare: SR 1994/35 r 117

11.19 Notice of meeting and procedure

Subject to any direction made by a Judge as to notice under rule 11.18, the notice of the meeting, the provisions for proxies, the procedure and conduct of the meeting, and the powers and duties of Recording Officers must be in accordance with the Maori Assembled Owners Regulations 1995 or regulations made in substitution.

Compare: SR 1994/35 r 118

11.20 Application for confirmation of resolution of assembled owners

- (1) An application for confirmation of a resolution of assembled owners under section 151(1)(b) of the Act must be—
- (a) in form 33; and
 - (b) accompanied by—
 - (i) the written consent of a person who is to be appointed as agent under section 172(c) of the Act; and
 - (ii) if the resolution is for the alienation of Māori freehold land that is, or is part of, an overseas investment in sensitive land within the meaning of the Overseas Investment Act 2005, the consent under that Act to that investment or the exemption under that Act from the requirement of consent.
- (2) The Registrar must give reasonable notice of time, date, and place of the hearing of the application to any person who has signed a memorial of dissent from the resolution.

Compare: SR 1994/35 r 119

11.21 Application for confirmation of resolution passed at family gathering

- (1) An application for confirmation of a resolution passed under section 176(1) of the Act must be—
- (a) in form 34; and

- (b) if the resolution is for the alienation of Māori freehold land, accompanied by—
 - (i) evidence of compliance with the right of first refusal under section 147A of the Act, if that right applies; and
 - (ii) a statement by each proposed alienee who is a preferred alienee setting out how he or she qualifies as a preferred alienee, including any necessary whakapapa details; and
 - (iii) a special valuation of the land and any improvements on it or of the interest alienated (including, in the case of lease, the fair market rental), unless an application for an exemption from the requirement of a special valuation is made under rule 11.4; and
 - (iv) if the resolution is for the alienation of Māori freehold land that is, or is part of, an overseas investment in sensitive land within the meaning of the Overseas Investment Act 2005, the consent under that Act to that investment or the exemption under that Act from the requirement of consent; and
 - (v) a true copy of the minutes of the family gathering or, if no minutes were kept, a statement of the relevant issues discussed at the gathering that—
 - (A) records the matters set out in rule 11.22; and
 - (B) is signed by 2 persons who were present at the meeting; and
 - (vi) the contact address of each owner of the land where reasonably obtainable or, if that owner is under a disability, the address of his or her trustee.
- (2) If the resolution is for the alienation of Māori freehold land to which the right of first refusal under section 147A of the Act applies, the applicant must give notice in accordance with rule 11.5(2) and (3).
- (3) The Court may adjourn the hearing of the application for the purpose of allowing the alienors and any preferred alienee to negotiate any issue relating to the right of first refusal under section 147A of the Act.
- (4) The Court may waive strict compliance with rule 11.21(1)(v) if it is satisfied that the meeting has been conducted fairly and that the majority of owners necessary to pass the resolution has voted in favour of it.
- (5) The applicant must give reasonable notice of the time, date, and place of the hearing of the application to—
 - (a) any owner who was not present at the family gathering; and
 - (b) any owner who voted against the resolution to be confirmed.

Compare: SR 1994/35 r 120

11.22 Minutes of informal family gathering

The minutes of an informal gathering must record—

- (a) the names of the persons present; and
- (b) each proposal that is put to the meeting; and
- (c) how the voting was conducted; and
- (d) the result of voting on each resolution; and
- (e) for each resolution, the names of those owners who voted for it and those owners who voted against it.

Compare: SR 1994/35 r 121

11.23 Court may cancel order confirming resolution

The Court may cancel an order confirming a resolution passed at a meeting of assembled owners if—

- (a) the alienee does not comply with any terms and conditions specified in the resolution or the order; or
- (b) cancellation may be made under section 162 of the Act.

Exchange orders

11.24 Application for exchange order

- (1) An application for an exchange order under section 310 of the Act must—
 - (a) be in form 35; and
 - (b) include or be accompanied by the following:
 - (i) details of the lands, and of any shares or interests in those lands, that are to be exchanged;
 - (ii) a title search under the Land Transfer Act 1952 of any general land included in the application;
 - (iii) any agreement between the parties confirming the exchange;
 - (iv) for each block of land to be exchanged, a special valuation or a current roll valuation;
 - (v) where land is to be exchanged that is part only of the land comprised in the title, a plan defining the land to be exchanged;
 - (vi) where the assembled owners have consented to the exchange by a resolution passed under Part 9 of the Act, a copy of that resolution;
 - (vii) where any land to be exchanged is Māori land, whakapapa or other evidence establishing that the alienee of the land is a preferred alienee;

- (viii) evidence that the Māori owners of the land to be exchanged have had sufficient notice of the application and sufficient opportunity to discuss and consider it, and that there is a sufficient degree of support for the application among the owners.
- (2) An exchange order must be drawn up in 2 parts, each 1 of the parts vesting 1 piece of land subject to the exchange order.
- (3) The application is not required to be notified under rule 4.13 but the applicant must give notice of the time, date, and place of the hearing to any owner of land or an interest in land that is the subject of the application who voted against a resolution for the exchange or who objected during the process of consultation.
- (4) A Judge may make any other direction as to notice.
- Compare: SR 1994/35 r 149

Representation of owners of Māori land

11.25 Application for certificate under section 181(2) or 183(2) of Act

An application for a certificate under section 181(2) or 183(2) of the Act must—

- (a) set out the grounds on which the application is made; and
- (b) be accompanied by evidence to establish those grounds.

Compare: SR 1994/35 r 123

11.26 Form of notice under section 181(3) of Act

A notice served on the Registrar under section 181(3) of the Act must—

- (a) specify the Act, bylaw, or enactment under which it is given; and
- (b) comply with that Act, bylaw, or enactment; and
- (c) describe the area of Māori land in question by reference to block name and any other description so that it is readily identifiable in the Māori Land Court title record; and
- (d) if the notice does not relate to all of the land contained in the title, be accompanied by a plan or diagram showing the part of the land to which the notice relates; and
- (e) be addressed to either—
- (i) the owners of the land to which the notice relates; or
- (ii) the Registrar of the Court in the district in which that land is situated; and
- (f) be served on the Registrar personally or by post.

Compare: SR 1994/35 r 122

11.27 Notice under section 181(3) of Act must be dealt with as application

- (1) A notice served on the Registrar under section 181(3) of the Act—
 - (a) must be dealt with as if it were an application to the Court; and
 - (b) is not required to be notified under rule 4.13 or notified in the Panui unless the Court directs otherwise.
- (2) In deciding whether to direct that the notice must be notified or advertised, the Court must have regard to—
 - (a) the matters set out in section 182(3) of the Act; and
 - (b) the importance of keeping owners informed of any dealing with their land.

Compare: SR 1994/35 r 124

Part 12
Trusts and incorporations

Trusts

12.1 Application to constitute trust

- (1) An application to constitute a trust under Part 12 of the Act must—
 - (a) be in form 1, unless these rules prescribe the use of another form; and
 - (b) state the grounds on which the application is made; and
 - (c) state the names of the proposed trustees and describe the process for their selection; and
 - (d) include or be accompanied by the following:
 - (i) a schedule of the following interests to be vested in the trust:
 - (A) an interest in Māori land or General land owned by Māori;
 - (B) shares in a Māori incorporation; and
 - (ii) the written consent of each proposed trustee to act as trustee; and
 - (iii) a statement describing how notice was given of each meeting at which the proposal for the formation of the trust has been discussed; and
 - (iv) a list of the persons who voted against the proposal at those meetings or who dissented from or objected to the proposal in the course of consultation about the proposal; and
 - (v) a copy of the minutes of any meeting approving the proposal, including a list of the persons who attended the meeting; and
 - (vi) a current search of the registered title of any General land to be vested in the trust.

- (2) Notice of the application is not required to be made under rule 4.13 except that,—
- (a) in the case of an application to constitute a putea trust, an ahu whenua trust, or a whenua topu trust, the applicant must give notice of the time, date, and place of hearing of the application to the persons listed in rule 12.1(1)(d)(iv); and
 - (b) a Judge may issue directions as to notice.

12.2 Application to constitute putea trust

An application under section 212 of the Act to constitute a putea trust must—

- (a) comply with rule 12.1; and
- (b) also include or be accompanied by the following:
 - (i) if, under section 212(6) of the Act, it is intended not to include as objects of the trust all Māori community purposes listed in section 218 of the Act, a list of those Māori community purposes that are to be included; and
 - (ii) a statement describing the searches or inquiries made to locate any person whose interest or shares are to be vested in the trust and whose whereabouts are unknown; and
 - (iii) where all the persons whose interests or shares are to be vested in the trust agree to the constitution of the trust, the written agreement of those persons; and
 - (iv) where the application is made by or on behalf of the trustees of the land or a Māori incorporation, a statement by the applicant setting out—
 - (A) the steps taken by the applicant to inform the beneficial owners of the interests to be vested in the trust of the application; and
 - (B) the opportunity given to the beneficial owners to consider the matter; and
 - (C) the outcome of the consideration of the matter by the beneficial owners.

Compare: SR 1994/35 r 126

12.3 Application to constitute whānau trust

An application under section 214 of the Act must—

- (a) be in form 36 (unless the application is made in conjunction with an application for succession, in which case form 23 may be used); and
- (b) comply with rule 12.1; and
- (c) also include or be accompanied by the following:

- (i) the written consents to the constitution of the trust given by the beneficial owners of the interests or shares to be vested in the trust; and
- (ii) evidence that the proposed trustees are supported by the beneficial owners of the interests or shares to be vested in the trust; and
- (iii) an indication as to whether it is intended to include under section 214(4) of the Act any Māori community purposes that are an object of the trust and, if some only of those purposes are to be included, a list of those purposes that are to be included; and
- (iv) where the application is made by the administrator of an estate to give effect to a testamentary disposition,—
 - (A) a certified copy of probate of the will; or
 - (B) if probate has not been obtained, a certified copy of the will.

Compare: SR 1994/35 r 127

12.4 Application to constitute ahu whenua trust

An application under section 215 of the Act to constitute an ahu whenua trust must—

- (a) be in form 37; and
- (b) comply with rule 12.1; and
- (c) also include or be accompanied by the following:
 - (i) a statement by the applicant setting out—
 - (A) the steps taken by the applicant to inform the owners of the land to be vested in the trust of the application; and
 - (B) the opportunity given to the owners to consider the matter; and
 - (C) the outcome of the consideration of the matter by the owners; and
 - (ii) an indication as to whether it is intended to include under section 215(6) of the Act any Māori community purposes that are an object of the trust and, if some only of those purposes are to be included, a list of those purposes that are to be included.

Compare: SR 1994/35 r 128

12.5 Application to constitute whenua topu trust

An application under section 216 of the Act to constitute a whenua topu trust must—

- (a) comply with rule 12.1; and
- (b) also include or be accompanied by the following:

- (i) if, under section 216(5) of the Act, it is intended not to include as an object of the trust all the Māori community purposes listed in section 218 of the Act, a list of the Māori community purposes that are to be included as an object of the trust; and
- (ii) a statement by the applicant setting out—
 - (A) the steps taken by the applicant to inform the owners of the land to be vested in the trust of the application; and
 - (B) the opportunity given to the owners to consider the matter; and
 - (C) the outcome of the consideration of the matter by the owners.

Compare: SR 1994/35 r 129

12.6 Application to constitute kai tiaki trust

An application under section 217 of the Act to constitute a kai tiaki trust must—

- (a) comply with rule 12.1; and
- (b) also include or be accompanied by a statement—
 - (i) giving particulars of the disability of the person beneficially entitled to the property to be vested in the trust and, if that person is under 20 years of age, his or her date of birth; and
 - (ii) detailing any particular powers that the trustee or trustees may seek to exercise in respect of the trust property; and
 - (iii) confirming that no order is in force under the Protection of Personal and Property Rights Act 1988 in respect of the trust property; and
 - (iv) listing any land or other property that is to be vested in the trust; and
- (c) include or be accompanied by a schedule of any interests in General land and personal property to be vested in the trust.

Compare: SR 1994/35 r 130

12.7 Remuneration of trustees

An application under section 224(h)(iii) of the Act for an order determining the remuneration or commission payable to trustees must be—

- (a) in form 1; and
- (b) accompanied by the latest financial statements of the trust or other evidence that will enable the Court to determine whether the trust has the means to pay the proposed remuneration.

Compare: SR 1994/35 r 131

12.8 Application to appoint, remove, or replace trustees

- (1) An application to appoint, remove, or replace trustees of an existing trust must—
 - (a) be in form 38; and
 - (b) include or be accompanied by,—
 - (i) in the case of the appointment of trustees, the written consent of each proposed trustee to the appointment; and
 - (ii) the minutes of any meeting confirming the appointment, removal, or replacement of trustees; and
 - (iii) a statement setting out—
 - (A) details of the persons who attended the meeting referred to in rule 12.8(1)(b)(ii) and of how notice of the meeting was given; and
 - (B) details of any notice given to a trustee who is to be removed or replaced (except where the vacancy has occurred through death, resignation, or retirement).
- (2) An application to replace a trustee may be considered and determined without notice in the Panui (except to the extent that it must be notified under rule 6.6), without notice to any party, and without any appearance by the applicant if the vacancy has occurred through death, resignation, or retirement.

12.9 Application for payment of monies held on trust

- (1) An application under section 242 of the Act for payment of money held in trust must—
 - (a) be in form 1; and
 - (b) include or be accompanied by a statement specifying—
 - (i) who holds the money; and
 - (ii) the nature of the trust; and
 - (iii) the names of the persons beneficially entitled to the trust assets and their respective shares.
- (2) The application may be considered and determined without notice in the Panui (except to the extent that it must be notified under rule 6.6), without notice to any party, and without any appearance by the applicant if the beneficiaries are clearly defined and there is no apparent dispute.

Compare: SR 1994/35 r 132

*Incorporations***12.10 Application for incorporation**

- (1) An application for an order under section 247 of the Act incorporating the owners of Māori freehold land as a Māori incorporation must—
 - (a) be in form 1; and
 - (b) include or be accompanied by the following:
 - (i) a schedule setting out a full description of the Māori freehold land, or the several areas of Māori freehold land, to which the application relates; and
 - (ii) a roll valuation of each area of Māori freehold land and any improvements on that land; and
 - (iii) details of any other assets that are to be vested in the incorporation and a current valuation of those assets by a properly qualified valuer; and
 - (iv) a list of the proposed initial shareholders that—
 - (A) lists the full name and address (if known) of each proposed initial shareholder; and
 - (B) in the case of a proposed initial shareholder whose freehold interest in the land to which the application relates is a life interest only, lists also the full names of the persons entitled in remainder; and
 - (C) in the case of a proposed initial shareholder who is a person under disability, states that he or she is a person under disability, records any trustee of a kai tiaki trust constituted in respect of that person, and, if the person is a minor, states the date on which he or she will attain the age of 20 years; and
 - (v) if the application is made under section 247(2)(b) of the Act, a schedule listing the full names of the owners who consent to the order together with their signatures and a statement of the shares that each of those owners holds in each of the areas of the Māori freehold land to which the application relates; and
 - (vi) the full names and addresses of any persons proposed as members of an interim committee of management.
- (2) A Judge may at any time direct that further valuation evidence be produced or a special valuation obtained.

Compare: SR 1994/35 r 134

12.11 Application for inclusion of owners of additional Māori freehold land in incorporation

An application for an order under section 251 of the Act including in a Māori incorporation the owners of additional Māori freehold land must be—

- (a) in form 1; and
- (b) accompanied by the following:
 - (i) a schedule setting out a full description of the Māori freehold land, or the several areas of Māori freehold land, and any other property, to which the application relates; and
 - (ii) a valuation by a registered valuer of each area of Māori freehold land and any improvements on that land; and
 - (iii) an up-to-date certificate from a share valuer setting out the equity value of the incorporation.

Compare: SR 1994/35 r 135

12.12 Application for amalgamation of incorporations

An application for an order under section 252 of the Act amalgamating 2 or more Māori incorporations must be—

- (a) in form 1; and
- (b) accompanied by the following:
 - (i) consent in writing given under seal by each incorporation to the amalgamation; and
 - (ii) an up-to-date certificate from a share valuer setting out the equity value of each incorporation; and
 - (iii) a proposal as to how the new incorporation is to be managed until a new committee of management is elected.

Compare: SR 1994/35 r 136

12.13 Application for removal from office of member of committee of management

- (1) An application under section 269(4) of the Act for the removal from office of a member of the committee of management of a Māori incorporation must—
 - (a) be in form 1; and
 - (b) set out full particulars of the grounds on which the application is made.
- (2) The applicant must, if the address is known, serve on the person sought to be removed a copy of the application and details of the time, date, and place of hearing of the application.

Compare: SR 1994/35 r 137

12.14 Application for winding up

An application for an order under section 282 of the Act winding up a Māori incorporation must be in form 1.

Part 13**Applications that create or affect title to land***Partition***13.1 Application for partition order**

- (1) An application for a partition order under section 289 or 298 of the Act must—
 - (a) be in form 39; and
 - (b) state the reasons why partition is sought; and
 - (c) include or be accompanied by the following:
 - (i) the following details of the land that is the subject of the application:
 - (A) the block name and number or other description of any Māori freehold land according to the Māori Land Court title record; and
 - (B) the legal description according to the land transfer record of any General land owned by Māori; and
 - (ii) a current land transfer search of the title to any General land owned by Māori; and
 - (iii) a valuation by a registered valuer of—
 - (A) the land before partition; and
 - (B) each separate area of land to be created by the partition; and
 - (iv) a description of any improvements effected by the applicant on the land that the applicant proposes the Court should take into account in making the order of partition; and
 - (v) a sketch plan or diagram showing, in sufficient detail to satisfy the Court,—
 - (A) the area or size of the land to be partitioned out; and
 - (B) the position of any easement or roadway required for access to the land to be partitioned out; and
 - (C) the position or locality of the land to be partitioned out relative to the whole block; and
 - (D) any river, lake, or seashore boundaries of the whole block; and

- (vi) a list of the owners of the whole block including their addresses if obtainable by reasonable inquiry; and
 - (vii) a statement by the applicant setting out—
 - (A) the steps taken by the applicant to inform the owners of the whole block of the application; and
 - (B) the opportunity given to the owners to consider the matter; and
 - (C) the outcome of the consideration of the matter by the owners; and
 - (viii) a description of how the land is to be apportioned after the proposed partition.
- (2) The Court may require the applicant to provide a completed survey plan of any former partition before proceeding with the application.
- Compare: SR 1994/35 r 140

13.2 Application for partition order: directions and notice

- (1) The Registrar must refer an application for a partition order to a Judge for directions.
 - (2) Subject to any directions by the Judge, the Registrar must notify the time, date, and place of the first hearing of the application to all owners of the land that is the subject of the application whose address is known.
 - (3) The Court may at any time direct the Registrar to call a meeting of the owners and the notice of that meeting must, unless the Court directs otherwise, include brief details of the application and a copy of the sketch plan or diagram referred to in rule 13.1(1)(c)(v).
- Compare: SR 1994/35 rr 141, 142

13.3 Preliminary hearing

- (1) A Judge may direct a preliminary hearing of an application for a partition order to consider—
 - (a) the requirements for making the order set out in sections 286(1) and 288(2) and (4) of the Act; and
 - (b) any other issues.
- (2) The Court may dispense with the filing of a valuation required by rule 13.1(1)(c)(iii) or any subdivision consent required by section 303(1) of the Act until after it has determined the issues considered in the preliminary hearing.
- (3) The Court may, at the conclusion of a preliminary hearing, issue a preliminary determination.

- (4) This rule does not preclude an applicant from seeking the determination of the application without a preliminary hearing.

Compare: SR 1994/35 r 143

13.4 Court may direct applicant for partition order to obtain subdivision consent

- (1) The Court may at any time direct an applicant for a partition order that requires a subdivision consent under section 303 of the Act to obtain that subdivision consent.
- (2) If the Court makes a direction under rule 13.4(1), the Registrar must forward to the territorial authority in question—
- (a) a copy of the minutes of any hearing by the Court in relation to the application; and
 - (b) a list of the names and addresses of any owners who may wish to be heard at any hearing held by the territorial authority in relation to the grant of the subdivision consent.

Compare: SR 1994/35 r 144(1), (2)

13.5 Documents that applicant must file on grant of subdivision consent

On the grant by a territorial authority of a subdivision consent that is required for making a partition order, the applicant must file—

- (a) a letter from the territorial authority stating that it has granted the subdivision consent; and
- (b) the approved preliminary plan; and
- (c) such valuation or valuations as the Court may direct.

Compare: SR 1994/35 r 144(3)

Amalgamation and aggregation

13.6 Application for amalgamation order

- (1) An application for an amalgamation order under section 307 of the Act must—
- (a) be in form 1; and
 - (b) include or be accompanied by the following:
 - (i) the following details of the land that is the subject of the application:
 - (A) the block name and number or other description of any Māori freehold land according to the Māori Land Court title record; and
 - (B) the legal description according to the land transfer record of any General land owned by Māori; and

- (ii) a current search of the land transfer title of any General land owned by Māori; and
 - (iii) a special valuation or a roll valuation for each area of land; and
 - (iv) a description of the improvements that the owners have effected on their respective areas of land; and
 - (v) a statement setting out the ownership in the proposed new title and the basis for determining that ownership; and
 - (vi) a statement setting out—
 - (A) details of any lease, licence, mortgage, charge, or other encumbrance over any of the areas of land; and
 - (B) how the lease, licence, mortgage, charge, or other encumbrance is to be apportioned or adjusted; and
 - (vii) the written consent given by each lessee, licensee, mortgagee, chargee, or other encumbrance holder consenting to—
 - (A) the amalgamation order; and
 - (B) the proposed method for apportioning or adjusting that person's rights; and
 - (viii) a statement by the applicant setting out—
 - (A) the steps taken by the applicant to inform the owners of the various areas of land of the application; and
 - (B) the opportunity given to the owners to consider the matter; and
 - (C) the outcome of the consideration of the matter by the owners.
- (2) A Judge may at any time direct that further valuation evidence or a special valuation be obtained.
- (3) In determining ownership in the proposed new title, no account must be taken of any house occupied by an owner under an occupation licence or order unless the Court determines otherwise.
- (4) The Court—
- (a) may at any time direct the Registrar to call a meeting of the owners under rule 4.21; and
 - (b) may make the amalgamation order conditional on the production of a plan so that the order may be registered under the Land Transfer Act 1952.

Compare: SR 1994/35 r 147

13.7 Application for aggregation order

- (1) An application for an aggregation order under section 308 of the Act must—

- (a) be in form 1; and
- (b) include or be accompanied by the following:
 - (i) the following details of the land that is the subject of the application:
 - (A) the block name and number or other description of any Māori freehold land according to the Māori Land Court title record; and
 - (B) the legal description according to the land transfer record of any General land owned by Māori; and
 - (ii) a current search of the land transfer title for any General land owned by Māori; and
 - (iii) a special valuation or a roll valuation for each area of land; and
 - (iv) a description of the improvements that the owners have effected on their respective areas of land; and
 - (v) a statement setting out the ownership in the proposed new title and the basis for determining that ownership; and
 - (vi) a statement by the applicant setting out—
 - (A) the steps taken by the applicant to inform the owners of the various areas of land of the application; and
 - (B) the opportunity given to the owners to consider the matter; and
 - (C) the outcome of the consideration of the matter by the owners.
- (2) A Judge may at any time direct that further valuation evidence or a special valuation be obtained.
- (3) In determining ownership in the proposed new title, no account must be taken of any house occupied by an owner under an occupation licence or order unless the Court determines otherwise.
- (4) The Court—
 - (a) may at any time direct the Registrar to call a meeting of the owners under rule 4.21; and
 - (b) may make the aggregation order conditional on the production of a plan so that the order may be registered under the Land Transfer Act 1952.

Compare: SR 1994/35 r 148

Easements and roadways

13.8 Application for easement

- (1) An application for the creation of an easement under section 315 of the Act must—

- (a) be in form 1; and
 - (b) state clearly—
 - (i) what type of easement is applied for; and
 - (ii) the reason why the easement is required; and
 - (c) include or be accompanied by the following:
 - (i) a plan of the land over which the easement is to be held showing the location, line, and dimensions of the easement and, where appropriate, the position of the land that the easement is to serve; and
 - (ii) any consents or agreements signed by persons affected by the easement; and
 - (iii) the block name and title description of the areas of land affected by the easement; and
 - (iv) a current land transfer title search of any General land affected by the easement; and
 - (v) details of any terms or conditions proposed for the easement; and
 - (vi) if the easement is to provide access to any land, the information required under rule 13.9.
- (2) On receipt of the application, the Registrar must prepare a schedule of all the areas of land affected by the easement that contains the legal description and status of each area of land.

Compare: SR 1994/35 r 150

13.9 Application for order laying out roadway

An application under section 316 of the Act for an order laying out a roadway must—

- (a) be in form 1; and
- (b) describe the roadway in sufficient detail to enable the boundaries of the roadway to be determined; and
- (c) include or be accompanied by the following:
 - (i) the block name and title description of each of—
 - (A) the areas of land served by the roadway; and
 - (B) the areas of land over which the roadway is to pass; and
 - (ii) a current land transfer title search of any General land included in the land referred to in rule 13.9(c)(i); and
 - (iii) if the persons or classes of persons entitled to use the roadway will be restricted, a statement of those restrictions; and
 - (iv) details of proposals, if any, for the payment of compensation; and

- (v) a plan of the roadway showing—
 - (A) each area of land over which it is proposed to lay out the roadway; and
 - (B) the route of the roadway, including the approximate dimensions of the roadway; and
- (vi) if the roadway is to be laid out over Māori land, a statement by the applicant setting out—
 - (A) the names of the owners and, if obtainable by reasonable inquiry, their addresses; and
 - (B) the steps taken by the applicant to inform the owners of the application; and
 - (C) the opportunity given to the owners to consider the matter; and
 - (D) the outcome of the consideration of the matter by the owners; and
- (vii) the consents required under section 317 of the Act before the order can be made.

Compare: SR 1994/35 r 151

13.10 Application for easement or roadway: directions and notice

- (1) On receipt of an application for an easement or an application for an order laying out a roadway, the Registrar must refer it to a Judge for directions.
- (2) Subject to any directions by the Judge, the Registrar must notify the time, date, and place of the first hearing of the application to all owners of the land subject to the proposed easement or roadway whose address is known.
- (3) The Court may at any time direct the Registrar to call a meeting of the owners under rule 4.21.

Compare: SR 1994/35 r 152

13.11 Applicant may be required to submit draft order

If the Court so directs, the applicant for an order creating an easement or laying out a roadway must submit—

- (a) a draft order for the approval of the Court; and
- (b) attached to the draft order 2 copies of a plan showing the easement or roadway that complies with the requirements of rule 7.7.

Compare: SR 1994/35 r 154

13.12 Application for order vesting closed road in adjoining owner

An application under section 325 of the Act for an order vesting all or part of a closed road in the owner of land adjoining the closed road must be—

- (a) in form 1; and
- (b) accompanied by a current search of the title of the adjoining land.

Compare: SR 1994/35 r 155

Access to landlocked Māori land

13.13 Application for access to landlocked Māori land

An application under section 326B of the Act must—

- (a) be in form 1; and
- (b) name the owner of any adjoining land that may be affected by the application as a party to the proceeding; and
- (c) include or be accompanied by the following:
 - (i) the block name and title description of—
 - (A) the landlocked land; and
 - (B) the land over which access is sought; and
 - (ii) a current land transfer title search of any General land that may be affected by the application; and
 - (iii) the names and, if obtainable by reasonable inquiry, addresses of the owners of the land over which access is sought; and
 - (iv) details of the type of relief sought under section 326B(5) of the Act, that is, the vesting of an area of land or the creation of an easement or a right of way to provide access; and
 - (v) proposals, if any, for compensation of the owners of the land over which access is sought; and
 - (vi) the names and, if obtainable by reasonable inquiry, the addresses of persons—
 - (A) holding an estate or interest in the landlocked land or any other land that will or may be affected if the application is granted; or
 - (B) claiming to be a party to or entitled to any benefit under any mortgage, lease, easement, contract, or other instrument affecting or relating to the landlocked land or any other land that may be affected if the application is granted; and
 - (vii) any other material or information that the applicant considers relevant to the application having regard to the provisions of sections 326B and 326C of the Act.

13.14 Registrar must refer application to Judge for directions

- (1) On receipt of an application for access to landlocked Māori land, the Registrar must without delay complete a search of the lands affected and refer the application to a Judge for directions.
- (2) The Judge may make directions as he or she sees fit, including a direction that the application be dealt with in accordance with rules 9.2 to 9.4.
- (3) The Court may at any time in respect of any Māori land that may be affected by an application for access—
 - (a) direct the Registrar to call a meeting of the owners to—
 - (i) ascertain the attitude of the owners towards the application; or
 - (ii) determine any questions of representation; or
 - (iii) address, resolve, or discuss any other matter relevant to the application; or
 - (b) arrange representation for the owners under section 70 of the Act; or
 - (c) direct that notice of the application be given to a local authority; or
 - (d) if the access will adjoin a state highway, direct that the consent of NZ Transport Agency be obtained.

*Occupation orders***13.15 Application for occupation order**

- (1) An application under section 328 of the Act for an occupation order must—
 - (a) be in form 40; and
 - (b) comply with the requirements of the Maori Occupation Orders Regulations 1994; and
 - (c) include or be accompanied by the following:
 - (i) a sketch plan indicating—
 - (A) the location of the proposed occupation site, its proposed area, the position and length of its boundaries, and its position within the block marked by reference to boundaries, fences, areas of other occupation, or other landmarks and the approximate distances from them; and
 - (B) the position of any access track or road to the occupation site marked by the same references as in rule 13.15(1)(c)(i)(A); and
 - (ii) a statement of the term for which the order is sought; and
 - (iii) evidence to satisfy the Court that—
 - (A) there is a sufficient degree of support for the application among the owners of the land; and

- (B) the owners understand that an occupation order may pass by succession or may be made for a specified term or until the occurrence of a specified event.
- (2) The application is not required to be notified under rule 4.13 but the applicant must notify the time, date, and place of the hearing of the application—
 - (a) to any person who voted against the proposal or dissented or objected to it during the course of consultation; and
 - (b) otherwise as directed by a Judge.

Compare: SR 1994/35 r 156

Survey of Māori land

13.16 Application for requisition of survey of Māori land

An application for the Court to requisition a survey of Māori land under section 332(1) of the Act—

- (a) may be made by an owner of the land or by a surveyor on that owner's behalf; and
- (b) must be in form 1; and
- (c) must contain a statement setting out the arrangements that have been made to pay for the survey so that the Court may satisfy the Surveyor-General that the cost of the survey has been paid or properly secured.

13.17 Requisition for survey of Māori land

A requisition for the survey of Māori land transmitted by the Court or the Registrar under section 332(1) of the Act must be—

- (a) in form 41; and
- (b) accompanied by a certificate in form 42 for completion by the Surveyor-General.

Compare: SR 1994/35 r 157(1)

13.18 Charging order for costs of survey

- (1) An application for a charging order under section 333 or 336 of the Act must be in form 43.
- (2) A charging order under section 333 or 336 of the Act must be in form 44.
- (3) An order under section 333(3) of the Act varying a former charging order must be in form 45.
- (4) A certificate under section 334(2) of the Act as to the date of completion of the survey signed by the Surveyor-General must be in form 42.

Compare: SR 1994/35 r 157(2)–(5)

Part 14

Title registration and improvement

14.1 Maintenance of ownership list

- (1) In maintaining the ownership list under section 127 of the Act, the Registrar may—
 - (a) correct any errors in or omissions from the list that have occurred in compiling the list or that are apparent on the face of the record; and
 - (b) eliminate any duplication or apparent duplication of owners' names; and
 - (c) consolidate interests where it is apparent from the record that they are owned by the same person.
- (2) The Registrar must, where he or she makes a change to the ownership list that is permitted under rule 14.1(1),—
 - (a) make a minute in the appropriate minute book of the change and the reasons for it; and
 - (b) make a note of the change in the memorial schedule for the land affected and include a reference in the note to the minute made under rule 14.1(2)(a).

14.2 Registrar may apply to Court for order to determine status of land

- (1) The Registrar may, for the purpose of identifying any land as Māori land, apply for an order under section 131 of the Act determining the status of the land.
- (2) The application may be considered and determined without notice in the Panui (except to the extent that it must be notified under rule 6.6), without notice to any party, and without any appearance by the applicant if the status of the land appears to be clear on the face of the record.
- (3) If it becomes apparent in the course of an application made without notice that the status of the land is not clear, the Court must require the application to be notified under rule 4.13 and set down for a hearing.

14.3 Application for declaratory consolidated order

- (1) An application for a declaratory consolidated order under section 128 of the Act must be in form 1.
- (2) The application may be considered and determined without notice in the Panui (except to the extent that it must be notified under rule 6.6), without notice to any party, and without any appearance by the applicant if—
 - (a) the only changes in the ownership of the land in question have occurred through succession orders or vesting orders made by the Court; or
 - (b) the ownership of the land is clear and no questions of fact or law arise.
- (3) An application to which rule 14.3(2)(a) or (b) does not apply must be notified in the Panui and set down for hearing.

Part 15

Jurisdiction under miscellaneous Acts

Protected Objects Act 1975

15.1 Proceeding under Protected Objects Act 1975

- (1) An application to the Court under Part 2 of the Protected Objects Act 1975 must be—
 - (a) in form 1; and
 - (b) dealt with under these rules.
- (2) On receipt of the application, the Registrar must refer it to a Judge for directions.

Compare: SR 1994/35 r 163

Fencing Act 1978

15.2 Claim, dispute, or question arising under Fencing Act 1978

- (1) An application to the Court under the Fencing Act 1978 must be in form 1.
- (2) The forms prescribed by the Fencing Act 1978 and any regulations made under that Act apply with all necessary modifications to an application under section 26 of the Act for the exercise of the Court's jurisdiction under the Fencing Act 1978.

Compare: SR 1994/35 r 162

Local Government (Rating) Act 2002

15.3 Application for charging order for unpaid rates

- (1) An application by a local authority under section 99 of the Local Government (Rating) Act 2002 for an order charging unpaid rates against Māori freehold land must—
 - (a) be in form 1; and
 - (b) include full details of the rates in respect of which the charging order is sought, including—
 - (i) the rate roll number; and
 - (ii) the year or years for which the rates were levied; and
 - (iii) the final date on which the rates became due and payable; and
 - (iv) how the amount claimed was calculated; and
 - (c) be accompanied by an affidavit or a declaration addressing each of the matters that must be taken into account by the Court under section 100 of the Local Government (Rating) Act 2002.
- (2) On receipt of the application, the Registrar must without delay—

- (a) obtain the following information and place it on the application file for the land in question:
 - (i) a schedule of ownership information; and
 - (ii) a schedule of title information; and
 - (iii) an up-to-date search of the title issued under the Land Transfer Act 1952; and
- (b) refer the application and the information obtained to a Judge for directions.

Compare: SR 1994/35 r 158

Maori Commercial Aquaculture Claims Settlement Act 2004

15.4 Request for advice or non-binding ruling in relation to aquaculture dispute

- (1) A request under section 26P of the Act for advice or a non-binding ruling in relation to an aquaculture dispute must—
 - (a) be in form 46; and
 - (b) contain the names and addresses of the parties to the dispute; and
 - (c) give details as to the nature of the dispute and specify under which of the matters listed in section 52 of the Maori Commercial Aquaculture Claims Settlement Act 2004 the dispute falls; and
 - (d) be accompanied by a statement of the steps taken to resolve the dispute and to agree to a process for resolution; and
 - (e) be filed in the office of the Chief Registrar.
- (2) The request is not required to be notified under rule 4.13 but the party making the request must serve a copy of the application on all the other parties to the dispute.
- (3) A Judge may at any time give directions as to notice.

15.5 Application for determination of aquaculture dispute

- (1) An application for the determination under section 26Q of the Act of a dispute under the Maori Commercial Aquaculture Claims Settlement Act 2004 must be—
 - (a) in form 47; and
 - (b) accompanied by a statement of the steps taken to resolve the dispute and to agree to a process for resolution; and
 - (c) filed in the office of the Chief Registrar.
- (2) The application is not required to be notified under rule 4.13 but the applicant must serve a copy of the application on all the other parties to the dispute.
- (3) A Judge may at any time give directions as to notice.

Maori Fisheries Act 2004

15.6 Request for advice or non-binding ruling in relation to fisheries dispute

- (1) A request under section 26B of the Act for advice or a non-binding ruling in relation to a fisheries dispute must—
 - (a) be in form 48; and
 - (b) contain the names and addresses of the parties to the dispute; and
 - (c) give details as to the nature of the dispute and specify under which of the matters listed in section 52 of the Maori Commercial Aquaculture Claims Settlement Act 2004 the dispute falls; and
 - (d) be accompanied by a statement of the steps taken to resolve the dispute and to agree to a process for resolution; and
 - (e) be filed in the office of the Chief Registrar.
- (2) The request is not required to be notified under rule 4.13 but the party making the request must serve a copy of the request on all the other parties to the dispute.
- (3) A Judge may at any time give directions as to notice.

15.7 Application for determination of fisheries dispute

- (1) An application for the determination under section 26C of the Act of a dispute under the Maori Fisheries Act 2004 must—
 - (a) be in form 49 or, if Te Ohu Kai Moana Trustee Limited is the applicant under section 182(4) of the Maori Fisheries Act 2004, in form 50; and
 - (b) include or be accompanied by a statement of the steps taken to resolve the dispute and to agree to a process for resolution; and
 - (c) be filed in the office of the Chief Registrar.
- (2) The application is not required to be notified under rule 4.13 but the applicant must serve a copy of the application on all the other parties to the dispute.
- (3) A Judge may at any time give directions as to notice.

15.8 Application by Te Ohu Kai Moana Trustee Limited to deny or suspend recognition of mandated iwi organisation

- (1) An application by Te Ohu Kai Moana Trustee Limited under section 185(1) of the Maori Fisheries Act 2004 to deny or suspend recognition of a mandated iwi organisation must—
 - (a) be in form 51; and
 - (b) be filed in the office of the Chief Registrar; and
 - (c) set out fully, with reference to section 14 or 130 of the Maori Fisheries Act 2004, the grounds on which the application is brought; and

- (d) explain fully why the mandated iwi organisation has failed to meet any of the criteria or requirements under section 14 or 130 of the Maori Fisheries Act 2004.
- (2) The application is not required to be notified under rule 4.13 but the applicant must serve a copy of the application on all the other parties to the dispute.
- (3) A Judge may at any time give directions as to notice.

Maori Vested Lands Administration Act 1954 and Maori Reserved Land Act 1955

15.9 Memorial of assignment by way of security over vested land or reserved land

- (1) A memorial of assignment by way of security under section 4B of the Maori Vested Lands Administration Act 1954 or under section 10A of the Maori Reserved Land Act 1955 of an equitable and beneficial freehold interest in Māori vested land or Māori reserved land must be in form 52.
- (2) The Registrar must, on receipt of a memorial of assignment and the appropriate fee (if any), enter details of the assignment in the memorial schedule of the title to any land that is subject to the assignment.

Compare: SR 1994/35 r 161(1)

Part 16
Special Aid Fund

16.1 Appointment, etc, of persons to be paid from Special Aid Fund

- (1) This rule applies to the appointment of, engagement of, reference to, or calling of (the **appointment**) a person specified in section 98(9) of the Act.
- (2) A party may apply for the appointment—
 - (a) by formal application using form 1:
 - (b) orally:
 - (c) at any stage of the proceeding.
- (3) A Judge may—
 - (a) require the application to be made by formal application using form 1 or 53:
 - (b) except in the case of a person appointed as an examining officer under section 280 of the Act, make the appointment on his or her own initiative.
- (4) If an application for appointment is made after any work has been undertaken by the appointee, a Judge may, in fixing the terms of appointment, decline to include that work as part of the appointment.

- (5) The provisions in these rules relating to notice and notice in the Panui do not apply to any order or appointment made under this Part.

16.2 Court appointment of barrister or solicitor

The Court may decline to appoint a barrister or solicitor under section 70(3) of the Act unless the Court—

- (a) is satisfied as to the precise nature and extent of the work to be undertaken by the appointee; and
- (b) approves the rate of payment to be made for the work; and
- (c) has been provided with an estimate of—
 - (i) the time that the work will or is likely to take; and
 - (ii) the total amount for which payment from the Special Aid Fund will be sought.

16.3 Court appointment of other persons

The Court may decline to make an appointment referred to in rule 16.1 unless the terms of the appointment including the rate of remuneration have been agreed to by the Court and the appointee.

16.4 Provisional appointment

Nothing in rules 16.2 and 16.3 prevents the Court from making a provisional appointment that is conditional upon finalisation of the terms of the appointment and the rate of payment.

16.5 Role of Registrar in finalising appointment

The Court, in making an appointment referred to in rule 16.1, may direct the Registrar to do any of the following:

- (a) negotiate the terms of an appointment and rate of payment;
- (b) obtain competitive tenders for appointments;
- (c) obtain estimates of costs.

16.6 Application for order for payment from Special Aid Fund

- (1) An application for an order under section 98(3) of the Act for a payment from the Special Aid Fund may be made—
 - (a) by formal application using form 53 or orally in open court;
 - (b) before the proceeding begins, during the course of the proceeding, or after the proceeding has concluded.
- (2) The Court may make an order under section 98(3) of the Act on its own initiative.
- (3) The Court may request the applicant to provide details as to—

- (a) the precise nature and extent of the work that has been or is to be undertaken and for which payment is sought; and
 - (b) the rate of payment for the work; and
 - (c) any work done and the time taken; and
 - (d) the estimated time that any further work will or is likely to take; and
 - (e) the total amount for which payment from the Special Aid Fund is or will be sought.
- (4) If an application is made after any work has been undertaken, the Court may decline to include that work in assessing the amount of payment (if any).
- (5) An order under section 98(3) of the Act must—
- (a) specify the amount of the payment; or
 - (b) identify an invoice or account for the amount to be paid.
- (6) In any case where an application is made in advance of a hearing or completion of the work to which the application relates, the Court may give a provisional indication that it will make an order and set out the basis on which the order will be made.

16.7 Request by person specified in section 98(9) for payment from Special Aid Fund

- (1) A request by a person specified in section 98(9) of the Act for payment from the Special Aid Fund must—
- (a) be made in writing to the Registrar; and
 - (b) certify that the work required to be done or the services required to be performed have been completed; and
 - (c) if the amount of the payment has not been specified in the order of appointment, be accompanied by a detailed invoice itemising—
 - (i) the time spent; and
 - (ii) the rate of payment; and
 - (iii) the amount and nature of expenses incurred.
- (2) If the amount requested varies from the amount specified, or from the invoice or account identified, in the order of appointment, the Chief Registrar may do either or both of the following:
- (a) take up the matter with the appointee and attempt to settle it;
 - (b) refer the matter to a Judge for a ruling or directions.

16.8 Court may issue practice note as guide to reasonable fees and expenses

- (1) The Court may issue practice notes indicating the range of the reasonable fees, costs, or expenses that may be paid from the Special Aid Fund under section 98 of the Act.

- (2) A practice note issued under this rule is a guide only and does not bind a Judge in the exercise of his or her discretion in making an order as to payment of reasonable fees, costs, and expenses from the Special Aid Fund.

16.9 Registrar must forward orders and applications for payment to Chief Registrar

- (1) The Registrar must without delay—
- (a) forward to the Chief Registrar—
 - (i) a copy of any order made under section 98(3) of the Act with all relevant supporting documents; and
 - (ii) any request for payment made by a person specified in section 98(9) of the Act with all supporting documents; and
 - (b) forward to the Legal Services Commissioner a copy of any order made under section 98(3) of the Act.
- (2) The Chief Registrar must pay from the Special Aid Fund—
- (a) the amount ordered to be paid under an order made under section 98(3) of the Act;
 - (b) the reasonable fees, costs, or out-of-pocket expenses that are payable under section 98(9) of the Act.

Part 17

Revocation and transitional provisions

17.1 Maori Land Court Rules 1994 revoked

The Maori Land Court Rules 1994 (SR 1994/35) are revoked.

17.2 Transitional provisions

- (1) Subject to rule 17.2(2) and (3),—
- (a) the revocation of the Maori Land Court Rules 1994 (the **1994 Rules**) does not affect any document or thing done under those rules or under any corresponding rules; and
 - (b) every such document or thing, in so far as it is subsisting or in force immediately before revocation of the 1994 Rules and could have been made or done under these rules, continues to have effect as if it had been made or done under the corresponding provision of these rules and as if that provision had been in force when the document was made or the thing was done.
- (2) All proceedings in the Māori Land Court or the Māori Appellate Court commenced before and pending or in progress on the commencement of these rules may be continued, completed, and enforced under these rules, and accordingly these rules, so far as practicable, apply to those proceedings. In so far as it is

not practicable for any provision of these rules to be applied to any of those proceedings, the 1994 Rules continue to apply to those proceedings to the extent necessary.

- (3) If, in any proceeding to which rule 17.2(2) applies, any question arises as to the application of any provision of these rules or of the 1994 Rules, the Court or the Registrar may, either on the application of any party to the proceedings or of the Court's or Registrar's own motion, determine the question and make the order or orders that the Court or the Registrar thinks fit.

Schedule Forms

r 2.5(1)

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Form 1
General form of application

rr 4.2, 16.1

Section 95(3)(a), Te Ture Whenua Maori Act 1993

The Māori Land Court of New Zealand

[*Name of district*] District

Subject of application

[*Name and block number of land, Māori incorporation, person, estate, or other matter in respect of which the application is made*]

Application

I/We*, [*full name(s)*], apply for an order [*specify nature of the order sought, and if the application is not under Te Ture Whenua Maori Act, specify details of the Act and section that apply*].

*Select one.

Reasons for application

[*State grounds or reasons and any facts relied on so as to fully inform the Court of the true nature of the application.*]

Affected parties

For each person, group, or authority who you think has an interest that might be affected by this application, specify the following details:

Name	Postal address	Telephone No	Email address
------	----------------	--------------	---------------

Preferred place of hearing

Preferred place of hearing:

Date:

Signature(s) of applicant(s):

***Contact details**

Contact address: [*address to which documents or correspondence in connection with the application may be posted or delivered*]

Telephone: [*home, work, mobile*]

Fax:

Email:

*If given, a fax or email address may be used as a means of notice and service.

Fee

[\$*amount*]

Note

If any paragraph in this form does not provide sufficient room for your response or you wish to provide further particulars, continue on a separate sheet of paper.

Form 2
Undertaking by next friend of minor

r 4.11(5)

Section 95(3)(a), Te Ture Whenua Maori Act 1993

The Māori Land Court of New Zealand

[*Name of district*] District

Details of application

Applicant: [*name of minor on whose behalf the application is made*]

Nature of application: [*specify*]

Undertaking

- 1 I, [*full name*], am the next friend of the applicant, who has not attained the age of 18 years.
- 2 I undertake to be responsible for the costs of any party to these proceedings if the applicant is ordered to pay those costs and fails to pay. I will immediately, after notice of default, pay the costs that have not been paid to the Registrar of the Court.
- 3 I confirm that I am not under any legal disability and that my interests are not adverse to those of the minor.

Date:

Signature of next friend:

***Next friend contact details**

Contact address: [*address to which documents or correspondence in connection with the application may be posted or delivered*]

Telephone: [*home, work, mobile*]

Fax:

Email:

*If given, a fax or email address may be used as a means of notice and service.

Fee

[\$*amount*]

Form 3
Notice to accompany service of application

r 4.15(1)

Section 95(3)(a), Te Ture Whenua Maori Act 1993

The Māori Land Court of New Zealand

[*Name of district*] District

Subject of application

[*Name and block number of land, Māori incorporation, person, estate, or other matter in respect of which the application is made*]

Notice of application

On [*date of filing*], I/we*, [*full name(s)*], filed an application affecting the above land in the Māori Land Court at—

*Select one.

Physical address:

PO Box/Private Bag:

Telephone:

A copy of the application and any supporting documents are attached.

Hearing of application

The application is set down for hearing/expected to be heard* at the Court sitting at [*address, date, time*].

*Select one.

You are entitled to appear at the hearing.

If you wish to appear, you should contact the Court and file a notice of intention to appear and serve a copy on the applicant. This will assist the Court to deal with the hearing and enable it to contact you about the hearing if the need arises.

Date:

Signature(s) of applicant(s):

***Contact details**

Contact address: [*address to which documents or correspondence in connection with the application may be posted or delivered*]

Telephone: [*home, work, mobile*]

Fax:

Email:

*If given, a fax or email address may be used as a means of notice and service.

Form 4
Notice of application

r 4.15(2)

Section 95(3)(a), Te Ture Whenua Maori Act 1993

The Māori Land Court of New Zealand

[*Name of district*] District

Name and block number of land:

Notice to owners

I/We*, [*full name(s)*], have applied to the Māori Land Court at—

*Select one.

Physical address:

PO Box/Private Bag:

Telephone:

for an order [*specify nature of the order sought*].

This order is sought under section [*number of section*] of Te Ture Whenua Maori Act 1993/section [*number of section*] of [*name of Act*]*.

*Select one.

A full copy of the application may be obtained from the Court office.

Hearing of application

The application is set down for hearing at the Court sitting at [*address, date, time*].

You are entitled to appear at the hearing.

If you wish to appear, you should contact the Court and file a notice of intention to appear and serve a copy on the applicant. This will assist the Court to deal with the hearing and enable it to contact you about the hearing if the need arises.

Date:

Signature(s) of applicant(s):

***Contact details**

Contact address: [*address to which documents or correspondence in connection with the application may be posted or delivered*]

Telephone: [*home, work, mobile*]

Fax:

Email:

*If given, a fax or email address may be used as a means of notice and service.

Form 5
Notice of intention to appear upon application

r 5.9

Section 95(3)(a), Te Ture Whenua Maori Act 1993

The Māori Land Court of New Zealand

[*Name of district*] District

Details of application

An application by [*full name*] under section [*number*] of Te Ture Whenua Maori Act 1993/[*name of other Act*]* for [*specify purpose of application*].

*Select one.

Application No:

Notice of intention to appear

I, [*full name*], am interested in or affected by this application and I give notice that I intend to appear at the hearing to—

Select the statement that applies.

- support the application.
- oppose the application.
- listen to the application and see how I might be affected.

The grounds on which I support/oppose* the application, or the reasons why I wish to appear, are as follows: [*attach extra pages if necessary*].

*Select one.

Date:

Signature:

***Contact details**

Contact address: [*address to which documents or correspondence in connection with the application may be posted or delivered*]

Telephone: [*home, work, mobile*]

Fax:

Email:

*If given, a fax or email address may be used as a means of notice and service.

Note

As well as filing this notice in the Court, you must also send a copy to the applicant.

Form 6
Order for discovery of documents

r 6.20(2)

Section 95(3)(a), Te Ture Whenua Maori Act 1993

The Māori Land Court of New Zealand

[*Name of district*] District

To [*full name of person against whom order is issued*] (the applicant/respondent/
interested party*)

*Select one.

Details of application

An application by [*full name*] under section [*number*] of Te Ture Whenua Maori Act 1993/[*name of other Act*]* for [*specify purpose of application*].

*Select one.

Application No:

Order

- 1 You are ordered to file an affidavit stating what documents, either in paper or electronic form, are or have been in your possession or power that relate to any matter relevant to the application.
- 2 You must file the affidavit in the Court within 15 working days of being served with this order.
- 3 You must deliver a copy of the affidavit to [*full name*], the applicant/respondent*.

*Select one.

Costs

The costs of and incidental to this order are reserved.

Date:

Signature:

(Deputy Registrar)

Note

Failure to comply with this order may result in the dismissal of the application or the setting aside of a defence to the application.

Form 7
Affidavit of documents

r 6.20(4)

Section 95(3)(a), Te Ture Whenua Maori Act 1993

The Māori Land Court of New Zealand

[*Name of district*] District

Details of application

An application by [*full name*] under section [*number*] of Te Ture Whenua Maori Act 1993/[*name of other Act*]* for [*specify purpose of application*].

*Select one.

Application No:

Affidavit

I, [*full name, address, occupation*], swear/solemnly and sincerely affirm*—

*Select one.

Omit any of paragraphs 1 to 6 that do not apply.

- 1 I have in my possession or power the documents, either in paper or electronic form, that are listed in Schedules 1 and 2 of this affidavit. Those documents relate to matters relevant to these proceedings.
- 2 I object to producing the documents, either in paper or electronic form, listed in Schedule 2.
- 3 I object to producing the documents listed in Schedule 2 because [*specify reasons for objecting and verify the facts as far as possible*].
- 4 I have had, but do not now have, in my possession or power, either in paper or electronic form, the documents listed in Schedule 3 of this affidavit.
- 5 The documents listed in Schedule 3 were last in my possession or power on [*date*].
- 6 The documents listed in Schedule 3 are now [*specify what has happened to the documents listed in Schedule 3, and who has those documents at the present time*].
- 7 According to the best of my knowledge, information, and belief, I have not now and never have had in my possession or power, or in the possession or power of my solicitor or agent or of any other person on my behalf, any deed, account, book of account, voucher, receipt, letter, memorandum, paper, or writing, either in paper or electronic form, or any copy of or extract from any such document, or any other document whatsoever relating to any matter relevant to these proceedings, except the documents listed in Schedules 1, 2, and 3 of this affidavit.

Schedule 1***Documents in my possession or power that I do not object to producing***

[List all documents in your possession or power that you do not object to producing. If none, write “nil”.]

Schedule 2***Documents in my possession or power that I object to producing***

[List the documents in your possession or power that you object to producing. If none, write “nil”.]

Schedule 3***Documents no longer in my possession or power***

[List the documents that were once in your possession or power, but that you no longer have. If none, write “nil”.]

Signature of deponent:

Sworn/Affirmed* at: *[place, date]*

*Select one.

Before me: *[name, signature]*

(Registrar/Deputy Registrar/Justice of the Peace/solicitor of the High Court of New Zealand/[specify occupation of other qualified witness]*†)

*Witness must be a Judge or Registrar of any court, including a District Court or any senior court, or a Justice of the Peace or a Community Magistrate, or a solicitor of the High Court other than a solicitor or member of a firm of solicitors engaged in the proceedings. See rule 6.19.

†Select one.

Schedule form 7: amended, on 1 March 2017, by section 183(b) of the Senior Courts Act 2016 (2016 No 48).

Form 8
Summons to witness and affidavit of service

r 6.22

Section 95(3)(h), Te Ture Whenua Maori Act 1993

The Māori Land Court of New Zealand

[*Name of district*] District

Details of application

An application by [*full name*] under section [*number*] of Te Ture Whenua Maori Act 1993/[*name of other Act*]* for [*specify purpose of application*].

*Select one.

Application No:

Summons to witness

To [*full name of person receiving summons*]

1 You are summoned to attend the Māori Land Court at [*place, date, time*] and from day to day as required, to give evidence concerning [*specify nature of evidence required*].

2 *Omit this paragraph if no documents are required to be produced.*

You are required to bring with you and to produce to the Court [*specify documents required*], and all other books, deeds, statements of account, papers, and writings that are in your possession or under your control and that relate to these proceedings. If you have such documents in electronic form, you are required to bring paper copies of those documents with you and produce them to the Court.

Notes

1 **Allowances and travelling expenses*

You are entitled to have paid to you, at the time you are served with this summons or at some other reasonable time before the hearing, a sum in respect of your allowances and travelling expenses as fixed under rule 6.22 of the Māori Land Court Rules 2011.

*Omit this heading and paragraph if a Judge has directed under rule 6.22(5) that no allowances or travelling expenses are payable.

2 *Failure to appear*

If you fail to obey this summons, *and have been paid allowances and travelling expenses at the appropriate rate,** you will be liable to a fine not exceeding \$300.

*Omit the words in italics if a Judge has directed under rule 6.22(5) that no allowances or travelling expenses are payable.

This summons is issued on behalf of [*full name*].

Date:

Signature:

(Registrar/Deputy Registrar*)

*Select one.

Sealed:

Affidavit of service

I, [*full name, place of residence, occupation*], swear/solemnly and sincerely affirm*—

*Select one.

- 1 I served [*full name of person summoned*] with a witness summons, a copy of which is attached, on [*day, date*].
- 2 Service was effected by [*describe how witness summons was delivered*].
- 3 *Select the statement that applies.*
 - No witness allowances and travelling expenses are payable.
 - The sum of \$[*amount*], being witness allowances and travelling expenses as fixed by the Witnesses and Interpreters Fees Regulations 1974/by the Court*, has been paid to the person.

*Select one.

Signature of deponent:

Sworn/Affirmed* at: [*place, date*]

*Select one.

Before me: [*name, signature*]

*(Registrar/Deputy Registrar/Justice of the Peace/solicitor of the High Court of New Zealand/[*specify occupation of other qualified witness*†])

*Witness must be a Judge or Registrar of any court, including a District Court or any senior court, or a Justice of the Peace or a Community Magistrate, or a solicitor of the High Court other than a solicitor or member of a firm of solicitors engaged in the proceedings. *See* rule 6.19.

†Select one.

Schedule form 8: amended, on 1 March 2017, by section 183(b) of the Senior Courts Act 2016 (2016 No 48).

Form 9
Order of reference for inquiry and report

r 6.26

Section 40, Te Ture Whenua Maori Act 1993

The Māori Land Court of New Zealand

[*Name of district*] District

Details of application

An application by [*full name*] under section [*number*] of Te Ture Whenua Maori Act 1993/[*name of other Act*]* for [*specify purpose of application*].

*Select one.

Application No:

Order

1 This order is made at a sitting of the Court held at [*place, date*] before [*name*], Judge.

2 The Court orders, pursuant to section 40 of Te Ture Whenua Maori Act 1993, that the proceedings/question/matter* specified below be referred to the Registrar of this court/to the Registrar of this court and [*name, place*]* for inquiry and report.

*Select one.

[*Specify the proceedings, question, or matter to be referred.*]

3 *Omit this paragraph if it does not apply.*

This order is made with the consent of the parties to the proceedings.

4 *Omit this paragraph if it does not apply.*

The Court directs that the inquiry be completed and the report filed not later than [*date*].

5 *Omit this paragraph if no directions are given.*

The Court directs that the inquiry be conducted as follows: [*specify*].

Date:

Signature:

(Judge)

Sealed:

(Registrar/Deputy Registrar)*

*Select one.

Form 10
General form of order
Order [*specify nature of the order*]

r 7.2

Section [number], Te Ture Whenua Maori Act 1993 [or other Act under which order made]
The Māori Land Court of New Zealand
[*Name of district*] District

Details of application

An application by [*full name*] under section [*number*] of Te Ture Whenua Maori Act 1993/[*name of other Act*]* for [*specify purpose of application*].

*Select one.

Application No:

Order

This order is made at a sitting of the Court held at [*place, date*] before [*name*], Judge.
Having considered the above application and all related evidence and submissions,
the Court orders—

- [*Set out the terms of the order following the wording of the Act or rule under which the order is made.*]
- [*If, in the course of the proceedings on the application, the Court, pursuant to section 37(3) of the Act, has proceeded to exercise any other part of its jurisdiction, state the fact and circumstance with reference to that enactment.*]
- [*If the Court has exercised jurisdiction under rule 7.5(2)(b) of the Māori Land Court Rules 2011, state accordingly, giving precisely the words used, eg, immediately, forthwith, or the precise period of time.*]

Date:

Signature:

Name:

(Judge/Registrar/Deputy Registrar*)

*Select one.

Sealed:

Form 11
Memorandum transmitting order to District Court

r 7.14

Section 81, Te Ture Whenua Maori Act 1993

The Māori Land Court of New Zealand

[*Name of district*] District

In the matter of section 81 of Te Ture Whenua Maori Act 1993

And

In the matter of an order of the Māori Land Court for the payment of money

To the Registrar of the High Court at [*place*]

Pursuant to section 81 of Te Ture Whenua Maori Act 1993, I transmit to you, for filing as of record in the District Court, a copy of an order that was made by the Māori Land Court on [*date*] ordering [*specify*] to pay the sum of \$[*amount*] to [*specify*].

Solicitors acting

Name(s):

Address:

Telephone:

Fax:

Email:

Date:

Signature:

Name:

(Judge/Registrar/Deputy Registrar*)

*Select one.

Sealed:

Form 12
Application to Chief Judge

r 8.2

Section 45, Te Ture Whenua Maori Act 1993

The Māori Land Court of New Zealand

[*Name of district*] District

Subject of application

[*Name and block number of land, person, or other matter in respect of which the application is made*]

Application

I/We*, [*full name(s)*], apply to amend/cancel*—

*Select one.

Select the statement that applies.

- an order(s) of the Court dated [*specify date and minute book reference for each order*].
- a certificate of confirmation issued by a Registrar on [*date*].

Nature of order(s)/certificate of confirmation*: [*briefly describe the nature of each order or certificate*].

*Select one.

Grounds of application

Note: If this application relates to more than 1 order or certificate of confirmation, specify the grounds of application for each order or certificate of confirmation to which the application relates.

1 The order/certificate* is incorrect because of—

*Select one.

Select the statement that applies.

- a mistake, error, or omission of the Court.
 - a mistake, error, or omission in the presentation of the facts of the case to the Court.
- 2 The mistake, error, or omission is [*specify nature of mistake, error, or omission and state why the order or certificate is wrong. Where whakapapa is alleged to be incorrect, provide details of the error and your version of the correct whakapapa.*].
- 3 I am/We are* adversely affected by the order/certificate* because [*state how you have been affected*].

*Select one.

Affected parties

For each person whose interests in land might be affected if the application is granted, specify the following details:

Name	Postal address	Telephone No	Email address
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Preferred place of hearing

Preferred place of hearing:

Date:

Signature(s) of applicant(s):

***Contact details**

Contact address: [*address to which documents or correspondence in connection with the application may be posted or delivered*]

Telephone: [*home, work, mobile*]

Fax:

Email:

*If given, a fax or email address may be used as a means of notice and service.

Fee

[\$*amount*]

Form 13
Notice of appeal

r 8.8

Section 58, Te Ture Whenua Maori Act 1993

Māori Appellate Court
Wellington

Notice

I/We*, [*full names*], appeal from a decision/determination* of the Court made at [*place, date*] being a final order/refusal to make an order/a provisional or preliminary determination*.

*Select one.

Nature of order

[*Specify nature of the order or determination, including details of any land affected.*]

Grounds of appeal

[*State grounds of the appeal or indicate that a statement of grounds is attached to this document.*]

Date:

Signature:

(appellant/counsel/solicitor for appellant*)

*Select one.

***Contact details**

Contact address: [*address to which documents or correspondence in connection with the appeal may be posted or delivered*]

Telephone: [*home, work, mobile*]

Fax:

Email:

*If given, a fax or email address may be used as a means of notice and service.

Fee

\$_[*amount*]

Form 14
Application for leave to appeal from preliminary determination

r 8.13

Section 59, Te Ture Whenua Maori Act 1993

The Māori Land Court of New Zealand

[*Name of district*] District

Application for leave to appeal

I/We*, [*full name(s)*], seek leave to appeal from the provisional/preliminary* determination of the Court made at [*place where determination occurred*] on [*day, date*], in respect of an application made under section [*number*] of Te Ture Whenua Maori Act 1993 for [*specify what the application is about*].

*Select one.

Grounds of appeal

[*State grounds of the appeal or indicate that a statement of grounds is attached to this document.*]

Date:

Signature(s) of applicant(s):

***Contact details**

Contact address: [*address to which documents or correspondence in connection with the appeal application may be posted or delivered*]

Telephone: [*home, work, mobile*]

Fax:

Email:

*If given, a fax or email address may be used as a means of notice and service.

Fee

[\$*amount*]

Form 15
Case stated for opinion of High Court

r 8.26

Section 72, Te Ture Whenua Maori Act 1993

In the High Court of New Zealand

[*Name of registry*] Registry

In the matter of section [*number*] of Te Ture Whenua Maori Act 1993

And

In the matter of [*specify matter to which these proceedings relate*]

Case stated

Case stated by the Māori Land Court with the leave of the Chief Judge of that court/by the Māori Appellate Court* for the opinion of the High Court on a question of law arising from the following facts: [*set out in numbered paragraphs facts upon which the question of law arises*].

*Select one.

The question for the opinion of the Court is: [*specify question of law*].

Date:

Signature:

(Judge)

I, [*full name*], Chief Judge of the Māori Land Court, pursuant to section 72 of Te Ture Whenua Maori Act 1993, grant leave for the Māori Land Court to state the case given in this document for the opinion of the High Court.

Date:

Signature:

(Chief Judge of the Māori Land Court)

Sealed:

Form 16
Notice of proceedings

r 9.3

Section 95(3)(a), Te Ture Whenua Maori Act 1993

The Māori Land Court of New Zealand

[*Name of district*] District

To [*full name, address*]

Notice

A claim has been made against you in the attached application that has been filed in the Māori Land Court at [*postal address and telephone number of court*].

Hearing

- 1 The application has been tentatively set down for hearing by the Māori Land Court sitting at [*venue address*] on [*day, date*] at [*time*].
- 2 If you wish to oppose or take part in these proceedings, you must complete a notice of intention to appear (2 forms of notice are attached). You must file your notice of intention to appear in the Court, and also serve it on the applicant at the address for service given in the attached application, within 14 days after the date on which you are served with this notice.
- 3 To assist the Court to process and deal with these proceedings, attach to your notice of intention to appear a statement setting out your response to each of the claims made by the applicant.
- 4 The allocated hearing given in this document is tentative only. If you file a notice of intention to appear, you do not need to appear on that day. The case will be adjourned to a later and more suitable date for hearing.
- 5 If you do not file a notice of intention to appear, you will not be sent any further notice of these proceedings. If there is sufficient evidence produced to satisfy the Court of the case against you, judgment against you may be given in your absence.

Date:

Signature:

(Deputy Registrar)

Note

The following documents are attached to this document:

- a copy of the application
- 2 forms of notice of intention to appear.

Form 17
Memorandum transmitting order by way of injunction to High Court for
enforcement

r 9.8

Section 85, Te Ture Whenua Maori Act 1993

The Māori Land Court of New Zealand

[*Name of district*] District

In the matter of section 85 of Te Ture Whenua Maori Act 1993

And

In the matter of an order of the Māori Land Court by way of injunction in respect of
[*specify*].

To the Registrar of the High Court at [*place*]

Transmission of order

Pursuant to section 85 of Te Ture Whenua Maori Act 1993, I transmit to you, for filing as of record in the High Court, a copy of an order by way of injunction made by the Māori Land Court on [*day, date*].

Solicitors acting

Name(s):

Address:

Telephone:

Fax:

Email:

Date:

Signature:

Name:

(Chief Judge)

Sealed:

Form 18

Application to hear and determine representation of class or group of Māori

9.11

Section 30, Te Ture Whenua Maori Act 1993

To the Chief Judge of the Māori Land Court of New Zealand

Application

I/We*, [full name(s)], apply under section 30(1)(b) of Te Ture Whenua Maori Act 1993 on behalf of [specify class or group of Māori that you represent].

*Select one.

I/We* request the Court to determine who are the most appropriate representatives of my/our* iwi/hapū/group* for the purposes of [specify proceedings, negotiations, consultations, allocations of property, or other matters for which representation is an issue].

*Select one.

Affected parties

1 The names of and contact details for each person, group, or authority who has an interest that might be affected by this application are set out below:

Name	Postal address	Telephone no	Email address
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2 All affected parties have/have not* been notified of this application.

*Select one.

3 Some/None* of the affected parties oppose this application.

*Select one.

Lawyer's details

4 I/We* do/do not* have a lawyer to assist with this application.

*Select one.

5 *Omit this paragraph if you do not have a lawyer.*

My/Our* lawyer's contact details are: [specify].

*Select one.

Preferred place of hearing

Preferred place of hearing:

Date:

Signature(s) of applicant(s):

*(signed on behalf of claimant group)

*Omit this line if the application is not made on behalf of a claimant group.

*Sealed:

*If the applicant is a trust board, trust, or other legal entity, the application must be signed under common seal or other legal form appropriate to that body. Omit this line if it does not apply.

***Contact details**

Contact address: [*address to which documents or correspondence in connection with the application may be posted or delivered*]

Telephone: [*home, work, mobile*]

Fax:

Email:

*If given, a fax or email address may be used as a means of notice and service.

Fee

[\$*amount*]

Checklist of documents required (if applicable)

- Copies of any available reports, minutes, or other correspondence that support your claim to represent the relevant class or group of Māori
- A list of the names and contact details of all affected parties to the dispute
- Copies of letters sent to all affected parties notifying them of your application and copies of notices placed through the news media
- Copies of any letters of opposition

Form 19
Application for search

r 10.1

Section 95(3)(a), Te Ture Whenua Maori Act 1993

The Māori Land Court of New Zealand

[*Name of district*] District

Details of deceased owner

Name: [*specify all names that the deceased owner may have been known by, including any aliases*]

Date of death (if known):

Last known address:

Deceased owner's parents, brothers, and sisters

The deceased owner's parents, brothers, and sisters are—

- (a) mother: [*full name*]
- (b) father: [*full name*]
- (c) brothers and sisters: [*full names of all*].

Possible land interests:

Person(s) from whom land interests may have been acquired:

Other information

[*State any other information that may assist the Court to find land interests owned by the deceased (for example, the names of the deceased owner's grandparents and of the grandparents' brothers and sisters may assist the Court).*]

Date:

Signature of applicant:

***Applicant's contact details**

Contact address: [*address to which documents or correspondence in connection with the application may be posted or delivered*]

Telephone: [*home, work, mobile*]

Fax:

Email:

*If given, a fax or email address may be used as a means of notice and service.

Note

Please forward a copy of the deceased's death certificate, if available, and any other documents, such as searches and minutes, that might assist in locating land interests.

Form 20
Certificate by administrator

r 10.2(3)

Section 111 or 113, Te Ture Whenua Maori Act 1993

The Māori Land Court of New Zealand

[*Name of district*] District

Name of deceased

[*Specify all names that the deceased may have been known by, including any aliases.*]

Certificate by executor(s)/administrator(s)

1 I/We*, [*full name(s), place(s) of residence*], am/are* the executor(s)/administrator(s)* of this estate.

*Select one.

2 I/We* certify that the person(s) named and described in the Schedule attached to this document are entitled to succeed to the beneficial interests in the land described in that Schedule, and that each person is to receive the shares or proportion of shares set out opposite the name of that person.

*Select one.

3 Those person(s) are entitled to succeed—

Select the statement that applies.

- by virtue of a will.
- on intestacy pursuant to section 108(5) or 109 of Te Ture Whenua Maori Act 1993.
- on intestacy under the Administration Act 1969.

Date:

Signature of executor/administrator*:

*Select one.

Signature of witness:

Capacity of witness:

Address of witness:

Date:

Signature of executor/administrator*:

*Select one.

Signature of witness:

Capacity of witness:

Address of witness:

Schedule

Beneficial interests in Māori freehold land

Land	Shares held to be vested	Full name of beneficiary	Address	Proportion of shares to be vested	Relationship to deceased
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Beneficial interests in General land

Land	Shares held to be vested	Full name of beneficiary	Address	Proportion of shares to be vested	Relationship to deceased
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Form 21

Application for succession when grant of administration held

r 10.2(1), (2)

Sections 112 and 117, Te Ture Whenua Maori Act 1993

The Māori Land Court of New Zealand

[*Name of district*] District

Name of deceased

[*Specify all names that the deceased may have been known by, including any aliases.*]

How to complete this application

To complete this application,—

- replace text within [*square brackets*] with the relevant text:
- where alternative word choices are indicated, for example, spouse/partner*, select the word or phrase that applies:
- where alternative statements are indicated, select the statement that applies.

If there is not enough room on the form to provide all the required information, the application may be continued on a separate sheet of paper.

Application

I/We*, [*full name(s)*], make application to vest the Māori land interests of the deceased in the persons beneficially entitled.

*Select one.

1 The deceased died at [*place*] on [*date*].

2 Details of administration are:

Name(s) and address(es) of administrators not named above: [*specify names and addresses of any administrators not named above*]

Probate No [*specify*] dated [*date*]

Letters of administration No [*specify*] dated [*date*]

Election to administer No [*specify*] dated [*date*]

3 Are any Māori interests held by the administrator(s) pursuant to an order of the Court made under section 112 of Te Ture Whenua Maori Act 1993? Yes/No*

*Select one.

If **yes**, go to question 4. If **no**, go to question 5.

4 Date of order(s) and minute book reference: [*specify*]

- 5 The full names of the deceased's immediate family members are (*see* note 1):
 Father:
 Mother:
 Brothers and sisters:
- 6 Was the deceased at the time of death legally married or in a civil union?
 Yes/No*
 *Select one.
 If **yes**, go to question 7. If **no**, go to question 9.
- 7 Name and address of the spouse or civil union partner: [*full name, address*]
- 8 *Select one of the following statements.*
- The spouse/partner* desires to take his/her* entitlement to a life interest.
 - The spouse/partner* wishes to surrender his/her* entitlement to a life interest (surrender attached).
 - The spouse/partner* has since died.
 - The spouse/partner* has since remarried or entered into a civil union or a de facto relationship.
 - The spouse/partner* was, at the date of death, separated from the deceased under a separation order or a written agreement.
- *Select one.
- 9 The full names of any former spouses, civil union partners, or de facto partners of the deceased, other than as stated in question 7, who are a parent of any of the deceased's children, are:
- | Name(s) | Spouse/civil union partner/de facto partner |
|---------|---|
|---------|---|
- 10 **Next of kin**
Select the first statement that applies.
- The deceased left children or their issue as next of kin and they are listed below.
 - The deceased had no children but left brothers and sisters or their issue as next of kin and they are listed below.
 - The deceased left no children or brothers and sisters as next of kin, but I/we* list below/attach* a whakapapa record showing the next of kin to the deceased, including, where possible, the names, sex, age, and postal address of those next of kin living at the date of death of the deceased.
- *Select one.

No	Full name(s)	Sex (M/F)	Age	Postal address (or date of death)
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Notes

- Under Sex indicate M for male or F for female.
- The age need only be stated if under 20.
- If a person is deceased, instead of address write the date of death, and, as the case may be, DI to indicate deceased with children, or DNI to indicate deceased without children.
- Include any persons who have been legally adopted into the family.
- Give details of all next of kin even though some may not be beneficiaries under a will.

11 For each person who is a brother, sister, or child of the deceased, specify the following details:

No	Full name of other parent (if persons are children of deceased)	Full name(s) of parents (if persons are brothers or sisters of deceased)
----	---	--

12 If any next of kin listed under question 11 is deceased with children, specify the following details for each child:

No	Full name(s) of deceased	Name(s) of children of deceased	Sex (M/F) of children of deceased	Age of children of deceased	Postal address of children of deceased
----	--------------------------	---------------------------------	-----------------------------------	-----------------------------	--

If any of the above children is deceased, list his or her children on a separate sheet using the same table as above.

13 Did the deceased legally adopt any children into his or her family or were any children adopted out of the family? Yes/No*

*Select one.

If **yes**, specify the details below.

Full names of children adopted in:

Full names of children adopted out:

14 Did the deceased have whāngai? Yes/No*

*Select one.

If **yes**, go to question 15. If **no**, go to question 16.

15 Whāngai

(1) Names and addresses of whāngai: [*full names, addresses*]

(2) *Select the statement that applies.*

- The family wish the whāngai to succeed as if they were natural children of the deceased.
- The family wish the whāngai to succeed as follows: [*specify provisions to be made for whāngai*].
- The family do not wish the whāngai to succeed because [*specify reasons*].

16 Did the deceased leave a will? Yes/No*

*Select one.

If **yes**, go to question 17. If **no**, go to question 19.

17 *Select the statement that applies.*

- The beneficiaries in the will are all named in questions 10 and 12 as next of kin of the deceased.
- The beneficiaries in the will include: [*names, addresses, and relationship to deceased*].

18 If any named beneficiary's right to succeed under section 108(2) of Te Ture Whenua Maori Act 1993 is not evident from his or her relationship to the deceased, explain how the beneficiary qualifies under that section: [*specify*].

19 **Whānau trust**

Select the statement that applies.

- Those entitled to succeed do not wish to form a whānau trust.
- Those entitled to succeed have conferred and wish to vest the interests of the deceased into a whānau trust.

If those entitled to succeed do wish to vest the deceased's interests in a whānau trust, please complete and attach to this application form 23 of the Māori Land Court Rules 2011.

20 The deceased's land interests to which this application relates (including Māori incorporation interests) are: [*specify*].

21 Has there been a previous succession to the deceased? Yes/No*

*Select one.

If **yes**, specify the following details of that previous succession:

Place:

Date:

Minute book reference:

22 The persons I/we* believe are entitled to succeed are—

*Select one.

Select the statement that applies.

- the next of kin as listed in questions 10 and 12.
- the persons entitled under the will, being—
 - the next of kin as set out in questions 10 and 12; or
 - the persons set out in the certificate by administrator (form 20); or
 - the following persons: [*specify*].

- the following persons who are entitled in accordance with an agreed arrangement under section 117(3)(c) of Te Ture Whenua Act 1993: [*specify*].

23 I am an administrator/We are administrators* of this estate. Yes/No*

*Select one.

If **Yes**, go to question 24. If **No**, specify the following information:

I am/We are* bringing this application instead of the administrator(s) because [*specify reasons*].

*Select one.

Select the statement that applies.

- I/We* have notified the administrator(s) of this application.
- I/We* have not notified the administrator(s) of this application because [*specify reasons*].

*Select one.

24 I/We* seek an order based on this application without formal hearing. Yes/No*

*Select one.

If **Yes**, the declaration at the end of this application must be completed.

25 I/We* have advised the immediate next of kin of this application. Yes/No*

*Select one.

Preferred place of hearing

Preferred place of hearing:

Date:

Signature of applicant:

***Contact details**

Contact address:

Telephone: [*home, work, mobile*]

Fax:

Email:

*If given, a fax or email address may be used as a means of notice and service.

Fee

[\$*amount*]

*Notes to assist applicants***1 Death certificate**

The original or a photocopy of the death certificate should be filed. If a death certificate is not readily available by reasonable inquiry, the Court may accept other evidence as to death. If death has been established at a previous hearing, a further death certificate may not be required.

2 Names of immediate family members

The information provided in question 5 helps the Court to search for land interests—any additional whakapapa could help the Court in its search.

3 Next of kin

Where there is no will, next of kin for the purposes of succession are children of the deceased. If there are no children, then next of kin are brothers and sisters. If there are neither children of the deceased nor brothers or sisters, then next of kin are the nearest relatives on the side of the family from whom the land originated. Generally speaking, where next of kin die before the person from whom succession is sought, the children of the next of kin are entitled to the share they would have received had they survived the deceased.

4 Will

The original will or a copy certified as a true copy by a solicitor or trustee company must be supplied. Where a copy is produced, the Court may still require production of the original.

5 Notice of hearing

While an applicant is not required to give formal notice of hearing to other beneficiaries, he or she is expected to consult with them and advise them of the application and when it is to be heard. If this is not done, the Court may direct that formal notice be given to the beneficiaries.

6 Whāngai

Where it is desired to include whāngai as successors, the Court will normally require evidence of their acceptance by the family, either by signed consents or orally at the hearing.

7 Succession by will

Where a testator died after 1 July 1994, the right to succeed under a will is limited by section 108 of Te Ture Whenua Maori Act 1993 to certain classes of people. If the successors named in a will are not children or their issue or do not qualify as next of kin of the testator, an applicant needs to satisfy the Court that he or she qualifies to succeed. The Court office can assist applicants as to what the qualifications are to succeed.

Checklist of documents required

- Original or certified copy of the election to administer, or certified copy of probate or letters of administration, or other grant of administration
- Copy or photocopy of death certificate (if available)
- Certificate by administrator (form 20—optional)
- Deed of arrangement (if applicable)
- Declaration or affidavit (if application being dealt with ex parte pursuant to rule 118)

Request for application to be dealt with without formal hearing and without notice

Note: The Court may, under rule 118, deal with an application without requiring attendance by the applicant or any other person if it is satisfied as to the persons entitled to succeed. The Court’s power is discretionary and it will generally require a hearing if there are issues to be settled such as rulings on whāngai or other matters that may not be straightforward. If you wish this application to be handled without appearance and formal hearing, you should indicate yes in question 24 and complete the following declaration.

Declaration

I/We* the applicant(s) declare that—

- (a) the facts of the application as stated are true and correct; and
- (b) the persons entitled to succeed are correctly listed in this application; and
- (c) there are no disputes as to succession or issues to be settled before an order can be made; and
- (d) it is desired that an order be made without formal hearing and without notice.

*Select one.

Signature of applicant:

Sworn/Affirmed* at: [*place, date*]

Before me: [*name, signature*]

(Registrar/Deputy Registrar/Justice of the Peace/solicitor of the High Court of New Zealand*)

*Select one.

Form 22

Application for succession when no grant of administration held

r 10.2(1), (2)

Sections 113 and 118, Te Ture Whenua Maori Act 1993

The Māori Land Court of New Zealand

[*Name of district*] District**Name of deceased**[*Specify all names that the deceased may have been known by, including any aliases.*]**How to complete this application**

To complete this application,—

- replace text within [*square brackets*] with the relevant text:
- where alternative word choices are indicated, for example, male/female*, select the word or phrase that applies:
- where alternative statements are indicated, select the statement that applies.

If there is not enough room on the form to provide all the required information, the application may be continued on a separate sheet of paper.

Application

I/We*, [*full name(s)*], make application to vest the Māori land interests of the deceased in the persons beneficially entitled.

*Select one.

1 Relationship to deceased: [*specify relationship, ie, father, sister, etc, or not related*]

Deceased's sex: [*male/female**]

Age:

Date of death:

Place of death:

A copy of the death certificate is/is not* provided. (*See note 1.*)

*Select one.

2 I/We* attended/did not attend* the tangi or funeral of the deceased.

*Select one.

3 *Select the statement that applies.*

- I/We* have made reasonable inquiries as to a will, but have been unable to find a will and believe the deceased left no will.

- The deceased left a will dated [*date*], and the original or a certified copy is provided. (*See note 2.*)

*Select one.

- 4 Has a grant of administration in the estate been granted or will a grant be applied for? Yes/No*

*Select one.

- 5 Was the deceased at the time of death legally married or in a civil union? Yes/No*

*Select one.

If **yes**, go to question 6. If **no**, go to question 8.

- 6 The full name and address of the spouse or civil union partner are: [*full name, address*]

- 7 *Select one of the following statements:*

- The spouse/partner* desires to take his/her* entitlement to a life interest.
- The spouse/partner* wishes to surrender his/her* entitlement to a life interest (surrender attached).
- The spouse/partner* has since died.
- The spouse/partner* has since remarried or entered into a civil union or a de facto relationship.
- The spouse/partner* was, at the date of death, separated from the deceased under a separation order or a written agreement.

*Select one.

- 8 The full names of any former spouses, civil union partners, or de facto partners of the deceased other than as stated in question 6 who are a parent of any of the deceased's children are:

Name(s)	Spouse/civil union partner/de facto partner
---------	---

- 9 The full names of the deceased's immediate family members are (*see note 3*)—

Father:

Mother:

Brothers and sisters:

- 10 **Next of kin**

Select the first statement that applies.

- The deceased left children or their issue as next of kin and they are listed below.
- The deceased had no children but left brothers and sisters or their issue as next of kin and they are listed below.

- The deceased left no children or brothers and sisters as next of kin, but I/we* list below or attach a whakapapa record showing the next of kin to the deceased, including, where possible, the names, sex, age, and postal address of those next of kin living at the date of death of the deceased.

*Select one.

No	Full name(s)	Sex (M/F)	Age	Postal address (or date of death)
----	--------------	-----------	-----	-----------------------------------

Notes

- Under Sex indicate M for male or F for female:
- The age need only be stated if under 20:
- If a person is deceased, instead of address write the date of death, and, as the case may be, DI to indicate deceased with children, or DNI to indicate deceased without children:
- Include any persons who have been legally adopted into the family:
- Give details of all next of kin even though some may not be beneficiaries under a will.

- 11 For each person who is a brother, sister, or child of the deceased, specify the following details:

No	Full name of other parent (if persons are children of deceased)	Full name(s) of parents (if persons are brothers or sisters of deceased)
----	---	--

- 12 If any next of kin listed under question 10 is deceased with children, specify the following details for each child:

No	Full name(s) of deceased	Name(s) of children of deceased	Sex (M/F) of children of deceased	Age of children of deceased	Postal address of children of deceased
----	--------------------------	---------------------------------	-----------------------------------	-----------------------------	--

If any of the above children is deceased, list his or her children on a separate sheet using the same table as above.

- 13 Did the deceased legally adopt any children into his or her family or were any children adopted out of the family? Yes/No*

*Select one.

If **yes**, specify the details below.

Full names of children adopted in:

Full names of children adopted out:

- 14 Did the deceased have whāngai? Yes/No*

*Select one.

If **yes**, go to question 15. If **no**, go to question 16.

15 **Whāngai**

- (1) Names and addresses of whāngai: *[full names, addresses]*

- (2) *Select the statement that applies.*

- The family wish the whāngai to succeed as if they were natural children of the deceased.

- The family wish the whāngai to succeed as follows: [*specify provisions to be made for whāngai*].
- The family do not wish the whāngai to succeed because [*specify reasons*].

16 Did the deceased leave a will? Yes/No*

*Select one.

If **yes**, go to question 17. If **no**, go to question 19.

17 *Select the statement that applies.*

- The beneficiaries in the will are all named in questions 10 and 12 as next of kin of the deceased.
- The beneficiaries in the will include: [*names, addresses, and relationship to deceased*].

18 If any named beneficiary's right to succeed under section 108(2) of Te Ture Whenua Maori Act 1993 is not evident from his or her relationship to the deceased, explain how the beneficiary qualifies under that section: [*specify*].

19 **Whānau trust**

Select the statement that applies.

- Those entitled to succeed do not wish to form a whānau trust.
- Those entitled to succeed have conferred and wish to vest the interests of the deceased in a whānau trust.

If those entitled to succeed do wish to vest the deceased's interests in a whānau trust, please complete and attach to this application form 23 of the Māori Land Court Rules 2011.

20 The deceased's land interests to which this application relates (including Māori incorporation interests) are: [*specify*].

21 Has there been a previous succession to the deceased? Yes/No*

*Select one.

If **yes**, specify the following details:

Place:

Date:

Minute book reference:

22 Other comments: [*include any comments you wish to make on the succession, including any special arrangements as to succession*].

Preferred place of hearing

Preferred place of hearing:

Date:

Signature of applicant:

***Contact details**

Contact address:

Telephone: [*home, work, mobile*]

Fax:

Email:

*If given, a fax or email address may be used as a means of notice and service.

Fee

\$_[*amount*]

Notes to assist applicants

1 Death certificate

The original or a photocopy of the death certificate should be filed. If a death certificate is not readily available by reasonable inquiry, the Court may accept other evidence as to death. If death has been established at a previous hearing, a further death certificate may not be required.

2 Will

The original will or a copy certified as a true copy by a solicitor or trustee company must be supplied. Where a copy is produced, the Court may still require production of the original.

3 Names of immediate family members

The information provided in question 9 helps the Court to search for land interests—any additional whakapapa could help the Court in its search.

4 Next of kin

Where there is no will, next of kin for the purposes of succession are children of the deceased. If there are no children, then next of kin are brothers and sisters. If there are neither children of the deceased nor brothers or sisters, then next of kin are the nearest relatives on the side of the family from whom the land originated. Generally speaking, where next of kin die before the person from whom succession is sought, the children of the next of kin are entitled to the share they would have received had they survived the deceased.

5 Notice of hearing

While an applicant is not required to give formal notice of hearing to other beneficiaries, he or she is expected to consult with them and advise them of the

application and when it is to be heard. If this is not done, the Court may direct that formal notice be given to the beneficiaries.

6 Whāngai

Where it is desired to include whāngai as successors, the Court will normally require evidence of their acceptance by the family, either by signed consents or orally at the hearing.

7 Succession by will

Where a testator died after 1 July 1994, the right to succeed under a will is limited by section 108 of the Te Ture Whenua Maori Act 1993 to certain classes of people. If the successors named in a will are not children or their issue or do not qualify as next of kin of the testator, an applicant needs to satisfy the Court that he or she qualifies to succeed. The Court office can assist applicants as to what the qualifications are to succeed.

Checklist of documents required

- Death certificate or other evidence as to death (*see* note 1 above)
- Original or certified copy of the will
- Written confirmation to surrender life interest (if applicable)
- Consents to succession by whāngai (if applicable)
- Completed whānau trust form and draft trust order (if applicable)
- Minutes of meeting agreeing to constitute a whānau trust (if applicable)
- Signed trustee consents (if applicable)

Form 23
Application to form whānau trust

r 12.3

Section 214(2), Te Ture Whenua Maori Act 1993

(To be used only with an application for succession)

Name of deceased: *[specify]*

Common tupuna name: *[specify]*

Name of whānau trust to be formed: *[specify]*

Names of trustees to be appointed: *[full names of trustees]*

We, the undersigned, consent to the formation of the whānau trust and, where named above as trustees, consent to our appointment.

Name	Address	Signature
------	---------	-----------

Select the statement that applies.

- The beneficiaries entitled to succeed have agreed to constitute a whānau trust and vest the interests of the deceased in the proposed trustees.
- The proposed trustees were elected by the beneficiaries entitled to succeed at a meeting held at *[place, date]*.
- A copy of the minutes of the meeting held to constitute the whānau trust is attached.

Date:

Names of applicants:

Signatures of applicants:

Notes

- 1 Consents of all beneficiaries to an estate must be filed.
- 2 Consents of all trustees must be filed.
- 3 Consents must be evidenced by—
 - (a) completion of this form; or
 - (b) consent at a family meeting evidenced by minutes of that meeting; or
 - (c) completion and production of separate forms of consent.

Form 24
Application for transmission by survivorship or for determination of life
interest

r 10.11

Section 18(1)(a), Te Ture Whenua Maori Act 1993

The Māori Land Court of New Zealand

[*Name of district*] District

Name of life tenant:

Name of joint tenants: [*specify all names that the joint tenants are known by*]

Origin of life interest

Select the statement that applies.

- The origin of the life interest is an order made at [*place, date*], minute book folio [*number*].
- The origin of the life interest is [*specify details*].

Application

Select the statement that applies.

- I apply for the determination of a life tenancy in respect of all the lands held under that life tenancy.
- I apply for the determination of a life tenancy in respect of the lands described in the schedule.
- I apply for transmission by way of survivorship in the land described in the schedule.

Grounds for application

The grounds on which I make this application are that—

Select the statement that applies.

- the life tenant/joint tenant* died on [*date*].
- I wish/the life tenant wishes* to surrender the life interest.
- on [*date*], the life tenant remarried/entered into a civil union/entered into a de facto relationship as defined by section 2(d) of the Property Relationships Act 1976*.

*Select one.

Date:

Signature of applicant:

Signed in the presence of:

Signature of witness:

Address of witness:

***Contact details**

Contact address: [*address to which documents or correspondence in connection with the application may be posted or delivered*]

Telephone: [*home, work, mobile*]

Fax:

Email:

*If given, a fax or email address may be used as a means of notice and service.

Fee

[\$*amount*]

Schedule of lands

Shares

Block

Checklist of documents required

- Copy of photograph of full death certificate (if the life tenant or joint tenant is deceased)
- Written confirmation of surrender of life interest (if the applicant is not the life tenant)
- Copy or photocopy of marriage certificate (if the life tenant has remarried)

Form 25
Application for confirmation of alienation

r 11.3

Section 151, Te Ture Whenua Maori Act 1993

The Māori Land Court of New Zealand

[*Name of district*] District

Subject of application

[*Name and block number of land, Māori incorporation, or other matter in respect of which the application is made*]

Application

I/We*, [*full name(s)*], apply for confirmation of an alienation by way of sale/gift*.

*Select one.

Details of alienation

1 Document to be confirmed: transfer/agreement*

*Select one.

2 Total shares of all owners:

3 Name and shareholding of each alienor:

4 Name and address of alienee:

5 Price (if any):

6 *Select the statement that applies.*

- The land is not subject to any trust.
- The land is subject to a trust and the alienation is not in breach of that trust.

7 *Select the statement that applies.*

- The alienee is not a member of the preferred classes of alienees, and a first right of refusal is to be given to the preferred classes of alienees in accordance with rule 11.5.
- The alienee is a member, or the alienees are members, of the preferred class of alienee, being—
 - a child or children, or remoter issue, of the alienor.
 - whanaunga who are associated with the land in accordance with tikanga Māori.
 - another owner of the land who is a member of the hapū associated with the land.
 - a trustee of any of the above 3 classes of person.

- a descendant of a former owner who is or was a member of the hapū associated with the land.

8 *Select the statement that applies.*

- The alienee(s) is or are New Zealand citizen(s).
- The alienee(s) is or are not New Zealand citizen(s).

Preferred place of hearing

Preferred place of hearing:

Date:

Signature(s) of applicant(s):

***Contact details**

Contact address: [*address to which documents or correspondence in connection with the application may be posted or delivered*]

Telephone: [*home, work, mobile*]

Fax:

Email:

*If given, a fax or email address may be used as a means of notice and service.

Fee

[\$*amount*]

Checklist of documents required

- Statement signed by alienee setting out how he or she is a member of the preferred class (if applicable), including any necessary whakapapa details
- Original instrument of alienation, properly executed and attested, and 2 copies
- Special valuation of the land and any improvements to it, or interests in the land, by a registered valuer (or application for exemption from filing a special valuation under section 158 of Te Ture Whenua Maori Act 1993 and a current roll valuation (if applicable))

Form 26
Application for exemption from providing special valuation

r 11.4

Section 158, Te Ture Whenua Maori Act 1993

The Māori Land Court of New Zealand

[*Name of district*] District

Subject of application

[*Name and block number of land, Māori incorporation, or other matter in respect of which the application is made*]

Application

I/We*, [*full name(s)*], apply for an exemption from the requirement under section 158 of Te Ture Whenua Maori Act 1993 to provide a special valuation.

*Select one.

Reason for application

Select the statement that applies.

- The alienation is by way of gift.
- The alienee is a close relative, being my [*state relationship*].
- Other [*add to reasons or specify other reasons*].

Preferred place of hearing

Preferred place of hearing:

Date:

Signature(s) of applicant(s):

***Contact details**

Contact address: [*address to which documents or correspondence in connection with the application may be posted or delivered*]

Telephone: [*home, work, mobile*]

Fax:

Email:

*If given, a fax or email address may be used as a means of notice and service.

Form 27

Notice to preferred classes of alienees as to right of first refusal

r 11.5

Sections 147A and 152, Te Ture Whenua Maori Act 1993

The Māori Land Court of New Zealand

[*Name of district*] District**Subject of application**[*Name and block number of land*]**Notice**

I/We*, [*full name(s)*], have applied to the Māori Land Court at [*place*] for confirmation of a sale/gift* of the above Māori freehold land.

*Select one.

That sale/gift* cannot proceed unless the owner/owners* give to the preferred classes of alienees a right of first refusal.

*Select one.

Any member of the preferred classes of alienees who wishes to be considered by the owner/owners* as a prospective purchaser or donee of the land must give written notice of his/her* intention to pursue a right of first refusal at the hearing of the application. That written notice must be filed in the Māori Land Court not later than [*date*].

*Select one.

If no notice is filed by the date set out above, the Court may confirm the alienation of the land by way of sale/gift*.

*Select one.

Further information about the application may be obtained from the Court at [*business address*].

****Alternative notice where meeting of owners is called***[*Insert heading and subject details as per above notice*]**Notice**

A meeting of owners of the above Māori freehold land is to be held at [*address, date, time*] to consider a resolution to sell/gift* the land.

*Select one.

That sale/gift* cannot proceed unless the owners give a right of first refusal to the preferred classes of alienees.

*Select one.

Any member of the preferred classes of alienees who wishes to exercise the right of first refusal—

- (a) must give notice to the Court not later than 3 days before the date of the meeting; and
- (b) may attend the meeting and pursue the right of first refusal.

[Insert further information etc, date, signature, and contact details as per above notice.]

Form 28
Certificate of confirmation of alienation of Maori freehold land

r 11.12(1)

Section 155(1)(a), Te Ture Whenua Maori Act 1993

The Māori Land Court of New Zealand

[*Name of district*] District**Details of application**

An application by [*name*] under section [*number*] of Te Ture Whenua Maori Act 1993 for confirmation of a sale/gift* of [*specify name and block number of the land to which the order relates*].

*Select one.

Application No:

Confirmation of alienation

- 1 This confirmation of alienation is made at a sitting of the Māori Land Court held at [*place, date*] before [*name*], Judge.
- 2 The Court is satisfied that the instrument of alienation on which this certificate is endorsed is an instrument of alienation to which section 151 of Te Ture Whenua Maori Act 1993 applies.
- 3 The Court is also satisfied that the alienation purporting to be effected by that instrument has been effected in all respects in accordance with the law in force at the time of its execution.
- 4 *Omit this paragraph if it does not apply.*
The Court has, with the consent of the parties, varied that instrument of alienation in the manner set out in the schedule of this certificate.
- 5 The Court confirms the alienation effected by that instrument *(as varied).

*Omit these words if they do not apply.

Date:

Signature:

Name:

(Judge)

Sealed:

****Schedule******Variations to instrument of alienation**

*Omit if there are no variations.

Form 29

Certificate of confirmation by Registrar of alienation of Māori freehold land

r 11.12(2)

Section 160, Te Ture Whenua Maori Act 1993

The Māori Land Court of New Zealand

[*Name of district*] District

Details of application

An application by [*name*] under section 160 of Te Ture Whenua Maori Act 1993 for confirmation of [*specify type of alienation*] of [*name and block number of land*].

Application No:

Certificate to be endorsed on instrument

The Registrar of the Māori Land Court, [*name of district*] District, is satisfied that the instrument of alienation on which this certificate is endorsed is an instrument of alienation specified in section 150C(3)(b) of Te Ture Whenua Maori Act 1993.

The Registrar is satisfied of the matters referred to in section 160(3)(b) to (d) of Te Ture Whenua Maori Act 1993.

The Registrar confirms the instrument of alienation.

Date:

Signature:

Name:

Registrar/Deputy Registrar*

*Select one.

Sealed:

Alternative certificate issued as a separate document

[*Insert heading and subject details as per above certificate.*]

The Registrar of the Māori Land Court, [*name of district*] District, is satisfied that the instrument of alienation described below is an instrument of alienation specified in section 150C(3)(b) of Te Ture Whenua Maori Act 1993—

- Type of alienation:
- Parties:
- Description of land:
- Date of execution.

The Registrar is satisfied of the matters referred to in section 160(3)(b) to (d) of Te Ture Whenua Maori Act 1993.

The Registrar confirms the instrument of alienation.

[Insert execution clause as per above certificate.]

Form 30
Application for vesting order

r 11.13(1)

Section 164, Te Ture Whenua Maori Act 1993

The Māori Land Court of New Zealand

[*Name of district*] District

How to complete this application

To complete this application,—

- replace text within [*square brackets*] with the relevant text:
- if alternative word choices are indicated, for example, sale/gift*, select the word or phrase that applies:
- if alternative statements are indicated, select the statement that applies.

Subject of application

Block

Shares held

Shares to be vested

Application

I, [*full name*], apply for a vesting order transferring the land interests—

Select the statement that applies.

- as set out in this application.
- according to the terms set out in the attached agreement.

The transferee(s) is/are*:

*Select one.

Full name(s)

Address(es)

Note: If further blocks or transferees are involved, continue on a separate sheet of paper or on Schedule 1, adapted as necessary.

1 Type of transfer

Select the statement that applies.

- The transfer is to be by way of gift.
- The transfer is to be by way of sale for the price of \$[*amount*].

2 Grounds for application

Select the statement that applies.

- I am a party to the contract or arrangement relating to the proposed transfer.
- I am the transferor/donor* of the land or interest.
- I am a trustee for a person entitled to the land or interest.

*Select one.

3 Consultation with whānau

I have/have not* consulted with my immediate whānau about this application.

There are some/no* objections from my whānau.

*Select one.

4 The reason for the sale/gift* is: [*specify*].

*Select one.

5 The relationship of the transferee(s) to the transferor is: [*specify*].

Important note: If an undivided interest in land, that is, shares in a block is being transferred, section 148 of Te Ture Whenua Maori Act 1993 requires the transferee to be a member of the preferred classes of alienees, which comprise—

- a child or remoter issue of the transferor:
- whanaunga who are associated in accordance with tikanga Māori with the land:
- an owner in the land who is a member of the hapū associated with the land:
- a trustee of a person belonging to any of the above:
- a descendant of any former owner who is or was a member of the hapū associated with the land.

Whakapapa details (Schedule 2) must be completed and must show how each transferee qualifies as a member of the preferred classes of alienees.

6 I seek exemption from the requirement in section 158 of Te Ture Whenua Maori Act 1993 to provide a special valuation because—

Select the statement(s) that apply.

- the alienation is by way of gift:
- the alienee is a close relative, being my [*specify relationship*]:
- [*add to reasons or specify other reason*].

Preferred place of hearing

Preferred place of hearing:

Date:

Signature of applicant:

Signature of witness:

Full name of witness:

Occupation or qualification of witness:

Address of witness:

***Contact details of applicant**

Contact address: [*address to which documents or correspondence in connection with the application may be posted or delivered*]

Telephone: [*home, work, mobile*]

Fax:

Email:

*If given, a fax or email address may be used as a means of notice and service.

Name(s) and signature(s) of transferee(s)

Full name

Signature

Note: If the transaction is a gift, the Court may dispense with the signature of the transferee(s) if it is satisfied that the transferee is aware of, and agrees with, the vesting.

Fee

\$(*amount*)

***Schedule 1
Further particulars***

Block(s)	Full name of transferor (shown on list of owners)	Full name of transferee	Number of shares to be transferred	Gift/sale (state amount if sale)	Relationship between transferor and transferee
-----------------	--	--------------------------------	---	---	---

***Schedule 2
Whakapapa details***

1 Full name of donor or transferor:

2 Full name of donor's or transferor's children:

Complete questions 3 to 10 only if the transfer is not to a child or children of the donor or transferor.

3 Full name of donor's or transferor's mother:

4 Full name of donor's or transferor's father:

- 5 Full names of donor's or transferor's brothers and sisters (if any): [*specify whether full brother or sister, whether half brother or sister, whether any were adopted in or out of family, and whether legally or as a whāngai*]
- 6 Full name(s) of donee(s) or transferee(s):
- 7 Full name(s) of donee's or transferee's mother(s):
- 8 Full name(s) of donee's/transferee's father(s):
- 9 Blood relationship of donor or transferor and donee(s) or transferee(s):
- 10 Qualification: [*if not evident from above information, explain how the donee(s) or transferee(s) qualify as members of the preferred classes of alienees*].

Checklist of documents required

- In the case of a sale, a copy of the special valuation or current roll valuation
- Fully completed Whakapapa Schedule
- Completed application for exemption from requirement to provide a special valuation (if applicable)
- Original contract or agreement relating to the transfer

Form 31
Agreement to sell or gift interest in Māori freehold land

r 11.13(2)

Section 164, Te Ture Whenua Maori Act 1993

The Māori Land Court of New Zealand

[*Name of district*] District

Agreement to sell of gift interest

I, [*full name of transferor*], agree to transfer to [*full name(s) of transferee(s)*] the Māori freehold land interests listed below—

Select the statement that applies.

- for the price of \$[*amount*].
- by way of gift.

[*Specify any other terms and conditions of the agreement such as payment date or arrangements.*]

Details of Māori freehold land

Block	Shares held	Shares to be vested
--------------	--------------------	----------------------------

I/We*, the transferee(s), confirm and agree to the above terms.

*Select one.

Date:

Signature of transferor:

Signature of witness:

Full name of witness:

Occupation or qualification of witness:

Address of witness:

Date:

Signature of transferee:

Signature of witness:

Full name of witness:

Occupation or qualification of witness:

Address of witness:

[*Repeat signature block for each transferee.*]

Notes

- 1 If the transfer is of shares in a block, the transferee must be a member of the preferred classes of alienees (*see* application form (form 30) for further details).
- 2 If the agreement is executed in New Zealand, the signature of the transferor must be witnessed by an independent person aged 20 years or more (not being a member of the transferor's immediate family or an owner in the land being alienated) who must print his or her full name, occupation, and residential address below his or her signature.
- 3 If the agreement is executed outside New Zealand, the signature of the transferor must be witnessed by—
 - (a) a notary public; or
 - (b) a Commissioner of Oaths; or
 - (c) a Commonwealth representative; or
 - (d) a solicitor of the High Court of New Zealand or Australia; or
 - (e) a Justice of the Peace of Australia; or
 - (f) a practising solicitor, lawyer, or attorney in the country where the agreement is signed.

Form 32
Application to call meeting of owners

r 11.17

Section 173, Te Ture Whenua Maori Act 1993

The Māori Land Court of New Zealand

[*Name of district*] District

Subject of application

[*Name and block number of land, Māori incorporation, or other matter in respect of which the application is made*]

Application

I/We* [*full name(s)*] apply for a direction that the Registrar call a meeting of assembled owners of the above land.

*Select one.

The purpose of the meeting is to consider the following resolution(s): [*set out details of the resolution(s). If the resolution is for a sale of the land, state whether the proposed alienee is a member of one of the preferred classes of alienees or not.*]

Date:

Signature of applicant:

***Contact details**

Contact address: [*address to which documents or correspondence in connection with the application may be posted or delivered*]

Telephone: [*home, work, mobile*]

Fax:

Email:

*If given, a fax or email address may be used as a means of notice and service.

Fee

[\$*amount*]

Checklist of documents required

- List of owners and trustees and their addresses
- Statement setting out how the alienee is a member of one of the preferred classes of alienees (if applicable), including any necessary whakapapa details
- Roll valuation or special valuation of the land and any improvements to it by a registered valuer (as applicable)

Form 33

Application for confirmation of resolution of assembled owners

r 11.20

Sections 151 and 175, Te Ture Whenua Maori Act 1993

The Māori Land Court of New Zealand

[*Name of district*] District**Subject of application**[*Name and block number of land, Māori incorporation, or other matter in respect of which the application is made*]**Application**I/We*, [*full name(s)*], apply for confirmation of the resolution(s) passed at a meeting of assembled owners at [*place, date*] as follows: [*specify resolution(s) passed*].

*Select one.

Preferred place of hearing

Preferred place of hearing:

Date:

Signature(s) of applicant(s):

***Contact details**Contact address: [*address to which documents or correspondence in connection with the application may be posted or delivered*]Telephone: [*home, work, mobile*]

Fax:

Email:

*If given, a fax or email address may be used as a means of notice and service.

Fee\${*amount*}

Form 34

Application for confirmation of resolution passed at family gathering

r 11.21

Sections 151 and 176, Te Ture Whenua Maori Act 1993

The Māori Land Court of New Zealand

[*Name of district*] District

Subject of application

[*Name and block number of land, Māori incorporation, or other matter in respect of which the application is made*]

Application

I/We*, [*full name(s)*], apply for confirmation of the resolution(s) passed by the owners at a family gathering at [*place, date*] as follows: [*specify resolution(s) passed*].

*Select one.

Preferred place of hearing

Preferred place of hearing:

Date:

Signature(s) of applicant(s):

***Contact details**

Contact address: [*address to which documents or correspondence in connection with the application may be posted or delivered*]

Telephone: [*home, work, mobile*]

Fax:

Email:

*If given, a fax or email address may be used as a means of notice and service.

Fee

[\$*amount*]

Checklist of documents required

- List of owners present at the gathering
- Statement setting out how the alienee is a member of one of the preferred classes of alienees (if applicable), including any necessary whakapapa details

-
- Roll valuation or special valuation of the land and any improvements to it by a registered valuer (as applicable)
 - Minutes of the family gathering or, if no minutes were kept, a statement of the pertinent issues discussed at the gathering, including details of—
 - every proposal put to the meeting:
 - the manner in which voting was conducted:
 - the result of the vote on any resolution:
 - a list of all owners present who voted for and against any resolution

Note: The minutes or statement must be signed as correct by a person present at the gathering and be countersigned by at least 1 other person who was present.

Form 35
Application for exchange order

r 11.24

Section 310, Te Ture Whenua Maori Act 1993

The Māori Land Court of New Zealand

[*Name of district*] District

Application

I/We*, [*full name(s)*], apply for an order of exchange—

*Select one.

Select the statement that applies.

- as set out in this application.
- according to the terms set out in the attached agreement.

Details of exchange

1 Land to be exchanged:

Name(s) of owner(s)	Shares to be exchanged	Name of block	Value of shares
is to be exchanged with:			

Name(s) of owner(s)	Shares to be exchanged	Name of block	Value of shares
---------------------	------------------------	---------------	-----------------

2 *Select the statement that applies.*

- [*name*] is to pay \$[*amount*] to [*name*] to cover the difference in value between the blocks of land.
- It is agreed that no monetary payment should be made to either of the parties to the exchange.

3 *Select the statement that applies.*

- The parties to the exchange are not related.
- The relationship between the parties to the exchange is: [*state and clearly explain any relationship between the parties*]. (See requirements to complete Whakapapa Schedule in Notes and checklist of documents required.)

Preferred place of hearing

Preferred place of hearing:

Date:

Signature of applicant:

Signature of witness:

Full name of witness:

Address of witness:

Date:

Signature of other party:

Signature of witness:

Full name of witness:

Address of witness:

***Contact details**

Applicant

Contact address: [*address to which documents or correspondence in connection with the application may be posted or delivered*]

Telephone: [*home, work, mobile*]

Fax:

Email:

Other party

Contact address: [*address to which documents or correspondence in connection with the application may be posted or delivered*]

Telephone: [*home, work, mobile*]

Fax:

Email:

*If given, a fax or email address may be used as a means of notice and service.

Fee

[\$*amount*]

Notes

- 1 If undivided interests or shares in Māori land are to be exchanged, the Court has no power to make an order unless the person receiving the shares in a block is either—
 - (a) a child or remoter issue of the owner of the shares to be exchanged in that block; or

- (b) whanaunga of the owner who are associated in accordance with tikanga Māori with that land; or
 - (c) another owner in that land who is a member of the hapū associated with the land; or
 - (d) a trustee of any person who qualifies under any of the requirements in paragraphs (a) to (c); or
 - (e) a descendant of any former owner who is or was a member of the hapū associated with the land.
- 2 In completing the Whakapapa Schedule to accompany the application, a party to the exchange should clearly indicate how he or she qualifies to receive shares under the above provisions.

Schedule ***Whakapapa***

Note: This schedule needs to be completed only if a party to an exchange is receiving shares in Māori land. If the full title to land is being transferred, the schedule is not required.

- 1 Full name of party:
- 2 Full names of party's brothers and sisters (if any): [*specify whether full brother or sister, whether half brother or sister, whether any were adopted in or out of family, and whether legally or as a whāngai*]
- 3 Full name of mother:
- 4 Full name of father:
- 5 Full names of children:
- 6 Qualification: [*set out clearly how you qualify to acquire interests in the land to be transferred to you*] (*see notes to the application form*)

Checklist of documents required

- Current roll valuation or a valuation by a registered valuer for both blocks affected by the exchange
- If land other than Māori land is to be exchanged, a full description of that land so as to enable it to be clearly identified together with particulars of all encumbrances recorded against the land
- If any piece of land to be exchanged is only part of the land comprised in a title, a plan defining the piece to be exchanged
- If the consent to the exchange has been given by a resolution passed under Part 9 of Te Ture Whenua Maori Act 1993 by the assembled owners, a copy of the resolution passed
- Completed Whakapapa Schedule for each person receiving shares in Māori land

Form 36
Application to constitute whānau trust

r 12.3

Section 214, Te Ture Whenua Maori Act 1993

The Māori Land Court of New Zealand

[*Name of district*] District

How to complete this application

To complete this application,—

- replace text within [*square brackets*] with the relevant text:
- where alternative word choices are indicated, for example, my/our*, select the word or phrase that applies:
- where alternative statements are indicated, select the statement that applies.

Application

I/We*, [*full name(s)*], apply to the Court to constitute a whānau trust in respect of—

*Select one.

Select the statement that applies.

- all my/our* land interests.
- the land interests listed in the attached Schedule.

*Select one.

Details of proposed whānau trust

1 Proposed name of the whānau trust: [*name*]

2 Common tupuna name: [*name*]

Note: Care must be taken in selecting the tupuna as the beneficiaries of the trust are the descendants of that tupuna. If an applicant is forming a trust for his or her children, his or her name should be the tupuna name.

3 Section 218 of Te Ture Wheua Maori Act 1993 contains a list of Māori community purposes to which income from the whānau trust may be applied if provision is made in the trust order. Do you want discretionary power included in your trust order to allow income to be applied to Māori community purposes?
Yes/No*

*Select one

4 The names of proposed trustees are:

Name	Address
------	---------

5 Signed consents of the proposed trustees are attached to this application.

*6 A copy of the draft trust order is attached to this application.

or

*6 I/We[†] wish to adopt the standard draft trust order used by the Court.

*Select the paragraph that applies.

†Select one.

Preferred place of hearing

Preferred place of hearing:

Date:

Signature of applicant:

*Contact details

Contact address: [*address to which documents or correspondence in connection with the application may be posted or delivered*]

Telephone: [*home, work, mobile*]

Fax:

Email:

*If given, a fax or email address may be used as a means of notice and service.

Fee

[\$*amount*]

Schedule of land interests

Name of current owner	Name of land	Number of shares owned	Number of shares to vest in trust
-----------------------	--------------	------------------------	-----------------------------------

Checklist of documents required

- Signed consents of any owners who have not signed the application
- Signed consents of proposed trustees
- Draft trust order if the standard trust order is not to be used

Note: A draft trust order that may be amended to suit your purposes may be obtained from the Court office.

Form 37
Application to constitute ahu whenua trust

r 12.4

Section 215, Te Ture Whenua Maori Act 1993

The Māori Land Court of New Zealand

[*Name of district*] District

Subject of application

[*Name and block number(s) of land*]

Application

I/We*, [*full name(s)*], apply to the Court to constitute an ahu whenua trust over the Māori land block(s) listed above on the grounds that there is sufficient agreement or consensus among the owners for the formation of a trust.

*Select one.

Details in support of application

- 1 Name of trust: [*specify*]
- 2 Date(s) and place(s) of meetings of owners: [*specify*]
- 3 Minutes of the meeting(s) are enclosed? Yes/No*
*Select one.
- 4 Notice of the meeting(s) was given to the owners as follows: [*specify*].
- 5 A copy of any notice placed in a newspapers is enclosed? Yes/No*
*Select one.
- 6 The proposed trustees named in the schedule of trustees were elected at a meeting of owners held at [*place*] on [*date*].
- 7 A curriculum vitae (CV) and consent for each proposed trustee is enclosed? Yes/No*
*Select one.
- 8 We produce our own draft order. Yes/No*
or
We wish to use the Court's standard trust order. Yes/No*
*Select one. One answer should be "Yes" and the other should be "No".
- 9 Section 218 of Te Ture Whenua Maori Act 1993 contains a list of Māori community purposes to which income may be applied if provision is made in the trust order. Do you want discretionary power included in your trust order to allow income to be applied to Maori community purposes? Yes/No*
*Select one.

10 The following persons voted against the formation of a trust or objected to it:
[specify names]

Preferred place of hearing

Preferred place of hearing:

Date:

Signature(s) of applicant(s):

***Contact details**

Contact address: [address to which documents or correspondence in connection with the application may be posted or delivered]

Telephone: [home, work, mobile]

Fax:

Email:

*If given, a fax or email address may be used as a means of notice and service.

Fee

[\$amount]

Schedule of trustees

Name **Address**

Notes

- 1 The Act requires the owners to have had sufficient notice of the application and the opportunity to discuss and consider it. The applicant should be prepared to establish this at the hearing.
- 2 The rules require that proper notice must be given of the time, date, and place of the hearing to persons who voted against the formation of a trust or objected to it (*see* paragraph 10 under **Details in support of application**). The applicant should produce evidence of that notice at the hearing.
- 3 The CV for proposed trustees need not be comprehensive. A brief statement as to the candidate's strengths, qualifications, and experience showing his or her suitability for the position should be sufficient.

Checklist of documents required

- Notice of meeting given to owners (eg, written notification, public advertisement, etc)
- Minutes of meeting agreeing to constitute the ahu whenua trust
- List of owners present at meeting(s)

- Signed consents of owners
- CV for each proposed trustee (*see* note 3)
- Draft trust order (if standard order is not used)

Form 38
Application to appoint, replace, or remove trustees

r 12.8

Section 239, Te Ture Whenua Maori Act 1993

The Māori Land Court of New Zealand

[*Name of district*] District

Subject of application

[*Name and block number(s) of land*]

Application

I/We*, [*full name(s)*], apply to—

*Select one.

Select the statement(s) that apply.

- appoint 1 or more new trustees:
- remove 1 or more trustees who have resigned, retired, or are deceased:
- remove 1 or more trustees for other reasons.

Details of changes to trustees

1 The trustees to be removed as a result of resignation, retirement, or death are:

Name	Reason for removal
------	--------------------

Note: If a trustee is to be removed because he or she is deceased, the Court will require reasonable evidence as to his or her death, for example, evidence of attendance at the tangi, a copy of the death certificate, or other reliable evidence.

2 The trustees to be removed for other reasons are [*if none, write "n/a"*]:

Name	Reason for removal
------	--------------------

The trustees to be removed for those reasons—

Select the statement that applies.

- have been notified of this application and of the time, date, and place of hearing by [*specify details of the notice given*].
- have not been notified of this application because [*specify reason*].

Note: Where a trustee is to be removed for other reasons, the Court requires an applicant to notify the trustee of the application for removal and the time, date, and place of the hearing, unless good reason can be shown for not doing so.

3 The trustees to be added are:

Name	Address
------	---------

4 Signed consents are attached of—

Select the statement(s) that apply.

- the retiring or resigning trustees:
- the proposed trustees.

Note: Signed consents of those trustees who are retiring by rotation according to the terms of the trust order, or who were present and accepted the election process, are not required.

***Details of meeting to confirm proposed trustees**

**Omit the heading and paragraphs 5 to 7 if no meeting was held.*

- 5 The proposed trustees were elected at a meeting of beneficial owners held at [place] on [date].
- 6 A copy of the notice of the meeting given to the beneficial owners is attached (including any newspaper advertisement).
- 7 A copy of the minutes of the meeting is attached.

Preferred place of hearing

Preferred place of hearing:

Date:

Signature(s) of applicant(s):

***Contact details**

Contact address: [address to which documents or correspondence in connection with the application may be posted or delivered]

Telephone: [home, work, mobile]

Fax:

Email:

*If given, a fax or email address may be used as a means of notice and service.

Fee

[\$amount]

Checklist of documents required

- Signed consents of trustees
- CV for each proposed trustee
- Notice of meeting given to beneficiaries or owners (eg, written notification, public advertisement, etc)
- Minutes of meeting consenting to replacement or addition of trustees

Form 39
Application for partition

r 13.1

Section 289 or 298, Te Ture Whenua Maori Act 1993

The Māori Land Court of New Zealand

[*Name of district*] District

Subject of application

[*Name and block number(s) of land*]

Application

I/We*, [*full name(s)*], apply for a partition order/combined partition order* of the above land.

*Select one.

Reasons and consultation

1 I/We* would like a partition of the land because: [*specify reasons*].

*Select one.

2 I/We* believe that a partition will benefit this block of land because: [*specify reasons*].

*Select one.

3 I/We* have consulted with the owners and have given them adequate opportunity to consider the proposal by—

*Select one.

Select the statement(s) that apply.

- personal contact:
- a meeting or meetings of owners:
- [*specify details*].

4 I/We* attach the following evidence of consultation:

*Select one.

Select the statement(s) that apply.

- written consents or objections of owners:
- minutes of meeting(s):
- [*specify details of other evidence of consultation*].

Preferred place of hearing

Preferred place of hearing:

Date:

Signature(s) of applicant(s):

***Contact details**

Contact address: [*address to which documents or correspondence in connection with the application may be posted or delivered*]

Telephone: [*home, work, mobile*]

Fax:

Email:

*If given, a fax or email address may be used as a means of notice and service.

Fee

[\$*amount*]

Schedule 1
Information to accompany application for partition

Subject of application

Name and block number of land to be partitioned:

Area: [*size*] square metres/hectares*

*Select one.

Name(s) of applicant(s):

Required information

Please provide the following information.

- 1 Local authority in which land is situated:
- 2 The current title is held under [*name*] Order of the Māori Land Court dated [*date*].
- 3 Is title completed by survey? Yes/No*
*Select one.
- 4 Is there a Land Transfer title? Yes/No*
*Select one.
If **yes**, specify the certificate of title:
- 5 Is this partition intended to be a hapū partition in terms of the Resource Management Act 1991? Yes/No*
*Select one.

Note: If this is a hapū partition, consent from the local authority does not need to be obtained. The Court will impose a restriction as to any alienation over the

partitioned land. If this restriction is not wanted on the partition, then local authority consent must be obtained.

6 Is the land vested in a trust or body corporate, or subject to Part 2 of the Maori Affairs Restructuring Act 1989 (Māori land development)? Yes/No*

*Select one.

7 Improvements claimed by the applicant:

8 Registered alienations, encumbrances, rights of way, easements, or *profits à prendre* affecting the title:

9 Unregistered alienations, encumbrances, rights of way, easements, or *profits à prendre* disclosed by court files, or known to the applicant:

10 Any alienation that is the subject of an application for confirmation not yet disposed of:

11 Names of present occupiers, and their tenure (if known):

Name	Postal address	Sex and, if minor, age	Tenure
------	----------------	------------------------	--------

12 Names of present owners, their postal addresses (if known), and their shares (this information can be filed separately):

Name	Postal address	Sex and, if minor, age	Share
------	----------------	------------------------	-------

13 Please attach a current roll valuation or valuation by a registered public valuer.

Schedule 2

Consents of trustees/owners* to partition (this information can be filed separately)

We the undersigned, being trustees/owners* in [*name of block*], agree to the partition of the land as shown on the attached plan.

*Select one.

Date:

Signature of owner/trustee*

*Select one.

Full name:

Address:

[Repeat signature block for each owner or trustee.]

Checklist of documents required

- Schedule 1 (Information to accompany application for partition) fully completed with the required attachments

- A valuation of the land before partition and a valuation of each separate area created after partition

Note: An applicant may seek a preliminary hearing by the Court as to the merits of partition before obtaining a valuation.
- A sketch plan or diagram showing—
 - the area of the portion to be partitioned out; and
 - the position or locality of the partition relative to the whole block; and
 - any river, lake, or seashore boundaries of the whole block; and
 - the position of any easement or roadway required for access to the partitioned area
- Details of how ownership of the land is to be apportioned after partition
- Details of notice of the application or proposal to the owners, their opportunity to discuss it, the minutes of any meetings held for this purpose, and the amount of support for the proposal
- Current certificate of title search of any general land included in the partition
- Local authority approval (if applicable)
- Consent of owners
- Consents of trustees (if applicable)
- Consent of committee of management of Māori incorporation (if applicable)
- Consent of lessees (where applicable)
- Copy of current roll valuation or valuation by a registered valuer

Form 40
Application for occupation order

r 13.15

Section 328, Te Ture Whenua Maori Act 1993

The Māori Land Court of New Zealand

[*Name of district*] District

Subject of application

[*Name and block number of land in respect of which the application is made*] (the site)

Application

I/We*, [*full name(s)*], apply for an occupation order over the Māori freehold land named above as the site for a house.

*Select one.

I/We* would like the term of the order to be for [*specify term by reference to number of years, life of applicant or other person, or event, or specify that the order is to be unlimited*].

*Select one.

Grounds for application

1 *Select the statement that applies.*

- I am/We are* the owner/owners* of the block named above and hold [*number of shares*] shares out of a total of [*total number of shares*] shares in that block.
- I am/We are* entitled to succeed to the beneficial interests of [*name of deceased*], being a deceased owner in the block named above, with [*number of shares*] shares out of a total of [*total number of shares*] shares in that block.

*Select one.

2 My/Our* shareholding or entitlement equates to [*size*] hectares/square metres*.

*Select one.

Note: To calculate the area multiply the number of shares you hold or are entitled to by the area of the block and divide by the total number of shares in the block.

3 The house to which this application relates—

Select the statement that applies.

- already exists on the site.
- is proposed to be built on the site.

- 4 *Select the statement that applies.*
- I am/We are* the occupier of the house to which this application relates.
*Select one.
 - The occupiers of the house to which this application relates are: [*name and address*].
 - I am/We are* the proposed occupiers of the house to be erected.
*Select one.
 - The proposed occupiers of the house to be erected are: [*name and address*].
- 5 The owners have/have not* been advised—
- (a) that an occupation order may pass by succession; and
 - (b) that an occupation order may be for a definite term or until a specified event; and
 - (c) of the term for which the order is sought.
- 6 The names and addresses of the occupiers of any other houses on the land are: [*specify*].
- 7 The names and addresses of any mortgagees or chargeholders of the land are: [*specify*].
- 8 The names and addresses of any lessees or other occupiers of the land are: [*specify*].
- 9 The following evidence of support for the application is attached:
Omit the statements that do not apply.
- copy of trustees' consents:
 - copy of consent of committee of management of incorporation:
 - copy of the minutes of the meeting of owners where consent granted:
 - copy of consents from other owners:
 - written preliminary advice from the local authority that a dwelling will be permitted on the proposed site.
- 10 A sketch plan is enclosed, providing the following information:
- details of the parent block showing the boundaries of the existing title:
 - the location of the site:
 - any existing or proposed access track or road to that site by reference to boundaries, fences, areas of other occupation or landmarks, and the approximate distances from them to the site:
 - the metric area of the site and the position and length of each boundary.

Preferred place of hearing

Preferred place of hearing:

Date:

Signature(s) of applicant(s):

***Contact details**

Contact address: [*address to which documents or correspondence in connection with the application may be posted or delivered*]

Telephone: [*home, work, mobile*]

Fax:

Email:

*If given, a fax or email address may be used as a means of notice and service.

Fee

[\$*amount*]

Checklist of documents required

- Consents of trustees or committee of management where the land is administered by a trust or incorporation (if applicable)
- Copy of the minutes of meetings of owners where consent to occupation granted
- Copy of owner consents
- Sketch plan(s) as required above
- Consent of lessee (if applicable)
- Written preliminary advice from the local authority that a dwelling will be permitted on the proposed site

Form 41
Requisition for survey

r 13.17

Section 332, Te Ture Whenua Maori Act 1993

The Māori Land Court of New Zealand

[*Name of district*] District

In the matter of [*specify full description of land(s)*] (the land)

And

In the matter of [*specify nature and date of title order or other order*]

Grounds of requisition

The Court, on the application of [*full name*]/on its own motion*, is of the opinion that a survey of the land is necessary or expedient for—

*Select one.

Select the statement that applies.

- the completion of a [*specify nature of order*] order of the Court dated [*date*].
- the exercise of certain powers or jurisdiction of the Court in relation to the land, namely, [*specify precisely the power or jurisdiction and the facts and circumstances relied upon*].

Requisition for survey

The Court/Registrar* transmits to the Surveyor-General this requisition for a survey of the land in terms of Te Ture Whenua Maori Act 1993 and the Surveyor-General's rules for cadastral survey. Descriptions of boundaries are attached.

*Select one.

[*Name*], authorised surveyors, are nominated to make the survey.

Date:

Signature:

Name:

(Judge/Registrar*)

*Select one.

Form 42
Certificate of completion of survey

r 13.18(4)

Sections 332(4) and 334(2), Te Ture Whenua Maori Act 1993

The Māori Land Court of New Zealand

[*Name of district*] District

In the matter of the survey/sub-divisional survey* of [*specify full description of land(s)*] (the **land**)

*Select one.

Certificate

I certify to the Māori Land Court that—

- (a) the survey of the land has been properly performed; and
- (b) the plan of the land numbered [*specify*] has been duly approved by me; and
- (c) the survey was completed on [*date*].

*The only modifications required for the purposes of completing the survey, were as follows: [*specify*].

*Omit this paragraph if it does not apply.

Date:

Signature:

Name:

(for the Surveyor-General)

District:

Form 43
Application for charging order for cost of survey

r 13.18(1)

Section 333 or 336, Te Ture Whenua Maori Act 1993

The Māori Land Court of New Zealand

[*Name of district*] District

Subject of application

[*Name and block number of land in respect of which the application is made*] (the land)

Application

I/We*, [*full name(s)*], apply for an order under section 333/336* of Te Ture Whenua Maori Act 1993 charging the land/the interest of [*full name*] in the land*.

*Select one.

That charge is to secure payment of the sum of \$[*amount*] to [*full name*] of [*place*], being—

Select the statement that applies.

- the costs incurred by the Crown in respect of a survey of the land.
- the costs incurred by me/us* in respect of a survey of the land.
- a contribution towards the costs of survey of [*describe land*], which involved a survey of the land.

*Select one.

Preferred place of hearing

Preferred place of hearing:

Date:

Signature(s) of applicant(s):

***Contact details**

Contact address: [*address to which documents or correspondence in connection with the application may be posted or delivered*]

Telephone: [*home, work, mobile*]

Fax:

Email:

*If given, a fax or email address may be used as a means of notice and service.

Fee

[\$*amount*]

Form 44
Charging order for cost of survey

r 13.18(2)

Sections 333 and 336, Te Ture Whenua Maori Act 1993

The Māori Land Court of New Zealand

[*Name of district*] District

Details of application

An application by [*name*] relating to [*specify name and block number of Māori land*] under section [*number*] of Te Ture Whenua Maori Act 1993

Application No:

Order

This order is made at a sitting of the Māori Land Court held at [*place, date*] before [*name*], Judge.

Having considered the above application and all evidence and submissions relating to it and being satisfied that a charging order should be made—

Select the statement that applies.

- the Court orders, pursuant to section 333 of Te Ture Whenua Maori Act 1993, that the Māori freehold land described in the schedule be charged with payment to the Surveyor-General, on behalf of the Crown, of the sum of \$[*amount*] together with interest in accordance with section 334 of that Act as from [*date*].
- the Court orders, pursuant to section 336 of Te Ture Whenua Maori Act 1993, that the Māori freehold land described in the schedule be charged with payment of the sum of \$[*amount*] to [*name*].

Date:

Signature:

Name:

(Judge/Registrar/Deputy Registrar*)

*Select one.

Sealed:

***Schedule
Land charged***

[*Full description of land to be charged.*]

Form 45
Order varying charging order

r 13.18(3)

Section 333(3), Te Ture Whenua Maori Act 1993

The Māori Land Court of New Zealand

[*Name of district*] District

Subject of application

[*Name and block number of land in respect of which the application is made*] (the land)

Background

On [*date*], the Court made an order charging the land with payment of the sum of \$ [*amount*] to the chief executive of Land Information New Zealand, on behalf of the Crown, for the cost of survey of the land.

Since the making of that order, there has been a partition or other disposition of the land.

Order

This order is made at a sitting of the Māori Land Court held at [*place, date*] before [*name*], Judge.

Being satisfied that it is proper that the order should be varied and the charge apportioned, the Court orders that each of the several parcels of land described in the first column of the schedule be charged with payment to the Surveyor-General, on behalf of the Crown, of the sums of money set out in the second column of the schedule opposite the description of each of the parcels of land, together with interest on those sums of money in accordance with section 334 of Te Ture Whenua Maori Act 1993 from [*date*].

Date:

Signature:

Name:

(Judge/Registrar/Deputy Registrar*)

*Select one.

Sealed:

Schedule

Description of parcel

Amount charged

Form 46
Request for advice on aquaculture dispute

r 15.4

Section 26P, Te Ture Whenua Maori Act 1993; Section 54, Maori Commercial Aquaculture Claims Settlement Act 2004

To the Chief Judge of the Māori Land Court of New Zealand

Application

- 1 This application is made under section 26P of Te Ture Whenua Maori Act 1993.
- 2 I/We*, [*full name(s)*], request the Court to—
*Select one.
Select the statement that applies.
 - advise on an appropriate dispute resolution process for the purposes of section 53 of the Maori Commercial Aquaculture Claims Settlement Act 2004.
 - issue a non-binding ruling on a question of fact or law to assist in the conduct of the dispute resolution process. That question of fact or law is: [*specify*].
- 3 *Omit this paragraph if it does not apply.*
This application is made on behalf of [*specify name of iwi organisation or group*].

Details of dispute

- 1 I am/We are* a party to a dispute under section 52 of the Maori Commercial Aquaculture Claims Settlement Act 2004.
*Select one.
- 2 The dispute is with the parties listed in the schedule to this application.
- 3 The dispute is about [*specify*].
- 4 We have attempted to resolve the dispute through an alternative dispute resolution process.
- 5 *Select the statement that applies.*
 - Attached to this form is a description of the dispute resolution process that we have followed to try to resolve the dispute.
 - Attached to this form are copies of any available reports, minutes, or other correspondence that support our attempts to resolve the dispute.
- 6 The names and contact details of all affected parties to this dispute are set out in the schedule to this application.

7 I/We* do/do not* have a lawyer to assist with this application.

*Select one.

8 *Omit this paragraph if you do not have a lawyer.*

My/our* lawyer's contact details are: [*specify*].

*Select one.

Preferred place of hearing

Preferred place of hearing:

Date:

Signature(s) of applicant(s):

*(signed on behalf of claimant group)

†Sealed:

*Omit this line if the application is not made on behalf of a claimant group.

†If the applicant is a trust board, trust, or other legal entity, the application must be signed under common seal or other legal form appropriate to that body. Omit this line if it does not apply.

*Contact details

Contact address: [*address to which documents or correspondence in connection with the application may be posted or delivered*]

Telephone: [*home, work, mobile*]

Fax:

Email:

*If given, a fax or email address may be used as a means of notice and service.

Fee

\$_[*amount*]

Schedule Parties

Name	Postal address	Telephone No	Email address
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Checklist of documents required (if applicable)

- A description of the process you have followed to resolve the dispute
- Copies of any available reports, minutes, or other correspondence that support your attempts to resolve the dispute
- The schedule listing the names and contact details of all affected parties to the dispute

Form 47
Application to hear and determine aquaculture dispute

r 15.5

Section 26Q, Te Ture Whenua Maori Act 1993; Section 54, Maori Commercial Aquaculture Claims Settlement Act 2004

To the Chief Judge of the Māori Land Court of New Zealand

Application

- 1 This application is made under section 26Q of Te Ture Whenua Maori Act 1993.
- 2 I/We*, [*full name(s)*] apply to the Court to make a determination in respect of a dispute under the Maori Commercial Aquaculture Claims Settlement Act 2004.
*Select one.
- 3 *Omit this paragraph if it does not apply.*
This application is made on behalf of [*specify name of iwi organisation or group*].

Details of dispute

- 4 The dispute is with the parties listed in the schedule to this application.
- 5 The dispute was referred under section 26 of Te Ture Whenua Maori Act 1993 to the Māori Land Court, which issued advice/a non-binding ruling* on [*date*] recorded in [*specify minute book reference*].
*Select one.
- 6 The dispute is about [*specify*].
- 7 I/We* have taken the following steps to try to resolve the dispute: [*specify*].
*Select one.
- 8 I/We* do/do not* have a lawyer to assist with this application.
*Select one.
- 9 *Omit this paragraph if you do not have a lawyer.*
My/Our* lawyer's contact details are: [*specify*].
*Select one.
- 10 A copy of this application has been served on any other party to this dispute.
Yes/No*
*Select one.

Preferred place of hearing

Preferred place of hearing:

Date:

Signature(s) of applicant(s):

*(signed on behalf of claimant group)

†Sealed:

*Omit this line if the application is not made on behalf of a claimant group.

†If the applicant is a trust board, trust, or other legal entity, the application must be signed under common seal or other legal form appropriate to that body. Omit this line if it does not apply.

***Contact details**

Contact address: [*address to which documents or correspondence in connection with the application may be posted or delivered*]

Telephone: [*home, work, mobile*]

Fax:

Email:

*If given, a fax or email address may be used as a means of notice and service.

Fee

[\$*amount*]

Schedule

Name	Postal address	Parties	Telephone No	Email address
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Checklist of documents required

- A description of the process you have followed to resolve the dispute (if full details are not included under paragraph 6 under **Details of dispute**)
- Copies of any available reports, minutes, or other correspondence that support your attempts to resolve the dispute
- A copy of the advice or ruling of the Māori Land Court

Note

The applicant must serve a copy of the application on all other parties to the dispute.

Form 48

Request for advice or non-binding ruling on Māori fisheries dispute

r 15.6

*Section 26B, Te Ture Whenua Maori Act 1993; Section 181(1) or 182(2), Maori Fisheries Act 2004***To** the Chief Judge of the Māori Land Court of New Zealand**Application**

1 This application is made under section 26B of Te Ture Whenua Maori Act 1993.

2 I/We*, [*full name(s)*], request—

*Select one.

Select the statement that applies.

- the Court's advice on an appropriate dispute resolution process.
- a non-binding ruling on a question of fact or law to assist in the conduct of a dispute resolution process.
- the Court's advice, in accordance with a dispute resolution process, in resolving a dispute.

3 *Omit this paragraph if it does not apply.*

This application is made on behalf of [*specify name of iwi organisation or group*].

Details of dispute

4 I am/We are* a party to a dispute under Part 5 of the Maori Fisheries Act 2004 (the Act).

*Select one.

5 The dispute is with the parties listed in the schedule to this application.

6 The dispute is about [*specify*].

7 *Select the statement that applies.*

- The dispute is over a matter specified in section 180(1)(a) to (f) or (h) to (m) of the Act, and Te Ohu Kai Moana Trustee Limited is a party to the dispute.
- The dispute is over a matter specified in section 180(1)(a) to (f) or (h) to (m) of the Act, and resolution is not able to be reached under section 181 of the Act.
- The dispute is referred to the Court in accordance with a dispute resolution process agreed to under section 181(1) of the Act.

8 The names and contact details of all affected parties to this dispute are set out in the schedule to this application.

- 9 I/We* do/do not* have a lawyer to assist with this application.
*Select one.
- 10 *Omit this paragraph if you do not have a lawyer.*
My/Our* lawyer's contact details are: [*specify*].
*Select one.
- 11 A copy of this application has been served on any other party to this dispute.
Yes/No*
*Select one.

Preferred place of hearing

Preferred place of hearing:

Date:

Signature(s) of applicant(s):

*(signed on behalf of claimant group)

†Sealed:

*Omit this line if the application is not made on behalf of a claimant group.

†If the applicant is a trust board, trust, or other legal entity, the application must be signed under common seal or other legal form appropriate to that body. Omit this line if it does not apply.

***Contact details**

Contact address: [*address to which documents or correspondence in connection with the application may be posted or delivered*]

Telephone: [*home, work, mobile*]

Fax:

Email:

*If given, a fax or email address may be used as a means of notice and service.

Fee

[\$*amount*]

Schedule

Parties

Name	Postal address	Telephone No	Email address
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Checklist of documents required

- Written notification from the decision maker of the decision specified in section 180 of the Act that is disputed (if applicable and available)
- A description of the process you have followed to resolve the dispute

-
- Copies of any available reports, minutes, or other correspondence that support your attempts to resolve the dispute
 - The schedule listing the names and contact details of all affected parties to the dispute

Note

The applicant must serve a copy of the application on all other parties to the dispute.

Form 49

Application to hear and determine Māori fisheries dispute

r 15.7

Section 26C, Te Ture Whenua Maori Act 1993; Maori Fisheries Act 2004

To the Chief Judge of the Māori Land Court of New Zealand

Application

1 This application is made under section 26C of Te Ture Whenua Maori Act 1993.

2 I/We*, [*full name(s)*], request the Court to hear and determine a dispute under Part 5 of the Maori Fisheries Act 2004, and to make orders accordingly.

*Select one.

3 *Omit this paragraph if it does not apply.*

This application is made on behalf of [*specify name of iwi organisation or group*].

Details of dispute

4 I am/We are* a party to a dispute under the Māori Fisheries Act 2004 (the Act).

*Select one.

5 The dispute is with the parties listed in the schedule to this application.

6 The dispute is about [*specify*].

7 *Select the statement that applies.*

- The dispute is over a matter specified in section 180(1)(a) to (f) or (h) to (m) of the Act, and Te Ohu Kai Moana Trustee Limited is a party to the dispute.
- The dispute is over a matter specified in section 180(1)(a) to (f) or (h) to (m) of the Act, and resolution is not able to be reached under section 181 of the Act.
- The dispute has been referred to Te Ohu Kai Moana Trustee Limited, and the decision of Te Ohu Kai Moana Trustee Limited is referred to the Court.
- The dispute has been referred to Te Ohu Kai Moana Trustee Limited, and Te Ohu Kai Moana Trustee Limited has not made a determination within a reasonable time.
- The dispute is in relation to an action taken against a mandated iwi organisation by Te Ohu Kai Moana Trustee Limited in reliance on section 186 of the Act.
- The dispute relates to the withdrawal of a group from a joint mandated iwi organisation.

8 The parties to the dispute have been served with a copy of this application.
Yes/No*

*Select one.

9 The following documents (if applicable) are attached to this application:

Select the statements that apply.

- written notification from the decision maker of the decision specified in section 180 of the Act that is disputed:
- a description of the dispute resolution process that has been followed to try to resolve the dispute and an explanation of why that process was unsuccessful:
- copies of any available reports, minutes, or other correspondence that support the attempts to resolve the dispute:
- a copy of the decision of Te Ohu Kai Moana Trustee Limited in respect of the dispute:
- a brief description of the alleged breach of the condition of assistance and a description of the action taken by Te Ohu Kai Moana Trustee Limited:
- a copy of the constitutional documents of the joint mandated iwi organisation:
- copies of all notification letters sent to affected parties notifying them of this application:
- copies of all letters of opposition that have been received.

10 I/We* do/do not* have a lawyer to assist with this application.

*Select one.

11 *Omit this paragraph if you do not have a lawyer.*

My/Our* lawyer's contact details are: [*specify*].

*Select one.

Preferred place of hearing

Preferred place of hearing:

Date:

Signature(s) of applicant(s):

*(signed on behalf of claimant group)

†Sealed:

*Omit this line if the application is not made on behalf of a claimant group.

†If the applicant is a trust board, trust, or other legal entity, the application must be signed under common seal or other legal form appropriate to that body. Omit this line if it does not apply.

***Contact details**

Contact address: [*address to which documents or correspondence in connection with the application may be posted or delivered*]

Telephone: [*home, work, mobile*]

Fax:

Email:

*If given, a fax or email address may be used as a means of notice and service.

Fee

[\$*amount*]

Schedule

Parties				
Name	Postal address	Telephone No	Email address	

Checklist of documents required (if applicable)

- Written notification from the decision maker of the decision specified in section 180 of the Act that is disputed
- A description of the process you have followed to resolve the dispute
- Copies of any available reports, minutes, or other correspondence that support your attempts to resolve the dispute
- The Schedule listing the names and contact details of all affected parties to the dispute
- Copies of letters sent to all affected parties notifying them of your application
- Any letters of opposition
- A copy of the decision from Te Ohu Kai Moana Trustee Limited determining a dispute
- A brief explanation as to why recognition of a mandated iwi organisation should be suspended or denied
- Copies of the constitutional documents of the joint mandated iwi organisation

Note

The applicant must serve a copy of the application on all other parties to the dispute.

Form 50

Application by Te Ohu Kai Moana Trustee Limited for reference of Māori
fisheries dispute

r 15.7

Section 26C, Te Ture Whenua Maori Act 1993; Section 182(4), Maori Fisheries Act 2004

To the Chief Judge of the Māori Land Court of New Zealand

Application

- 1 This application is made under section 182(4) of the Maori Fisheries Act 2004 and section 26C of Te Ture Whenua Maori Act 1993.
- 2 Te Ohu Kai Moana Trustee Limited requests the Court to hear and determine a dispute under Part 5 of the Maori Fisheries Act 2004 and to make orders accordingly.

Details of dispute

- 3 The dispute is between the parties listed in the schedule to this application.
- 4 The dispute is about [*specify*].
- 5 The dispute has been referred to Te Ohu Kai Moana Trustee Limited, but it declines to determine the dispute.
- 6 A copy of this application has been served on the parties.

Date:

Signature:

(signed on behalf of Te Ohu Kai Moana Trustee Limited)

Name:

Sealed:

Fee\${*amount*}***Schedule*****Parties**

Name	Postal address	Telephone No	Email address
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Notes

- 1 The applicant must serve a copy of the application on all the other parties.

- 2 This form is only for use if a dispute has been referred to Te Ohu Kai Moana Ltd and Te Ohu Kai Moana Ltd has declined to determine the dispute.

Form 51

Application by Te Ohu Kai Moana Trustee Limited to deny or suspend
recognition of mandated iwi organisation

r 15.8

Section 26C(b), Te Ture Whenua Maori Act 1993; Section 185(1), Maori Fisheries Act 2004

To the Chief Judge of the Māori Land Court of New Zealand

Application

- 1 This application is made under section 26C(b) of Te Ture Whenua Maori Act 1993.
- 2 Te Ohu Kai Moana Trustee Limited applies for an order denying/suspending* recognition of [*name of organisation*] as a mandated iwi organisation.

*Select one.

Grounds of application

- 3 *Select the statement that applies.*
 - [*Name and address of organisation*] fails to meet the following criteria set out in section 14 of the Maori Fisheries Act 2004: [*specify*].
 - [*Name and address of organisation*] is not making reasonable efforts to meet the requirements to enable it to qualify to receive settlement assets under section 130 of the Maori Fisheries Act 2004.
 - 4 Attached to this form is a full explanation as to why recognition of [*name of organisation*] should be denied/suspended*.
- *Select one.
- 5 A copy of this application has been served on [*name of organisation*].

Preferred place of hearing

Preferred place of hearing:

Date:

Signature:

(signed on behalf of Te Ohu Kai Moana Trustee Limited)

Name:

Sealed:

***Contact details**

Contact address: [*address to which documents or correspondence in connection with the application may be posted or delivered*]

Telephone: [*home, work, mobile*]

Fax:

Email:

*If given, a fax or email address may be used as a means of notice and service.

Fee

[\$*amount*]

Checklist of documents required (if applicable)

- A full explanation as to why recognition of a mandated iwi organisation should be denied or suspended
- Copies of the constitutional documents of the joint mandated iwi organisation

Form 52

Memorial of assignment of equitable and beneficial interest in Māori vested land/Māori reserved land*

r 15.9

*Maori Vested Lands Administration Act 1954/Maori Reserved Land Act 1955**

*Select one.

The Māori Land Court of New Zealand

[*Name of district*] District**Memorial of assignment**

1 I, [*full name*], (the assignor) am the owner of the equitable and beneficial freehold interest in the vested/reserved* land referred to in the schedule (the land).

*Select one.

2 [*Full name, address*] (the assignee) has lent and advanced to me the sum of \$ [*amount*] (the principal sum).

3 In consideration of that loan, and pursuant to section 4B of the Maori Vested Lands Administration Act 1954/section 10A of the Maori Reserved Land Act 1955*, I assign and transfer the equitable and beneficial freehold interest in the land to the assignee by way of security.

*Select one.

4 *Select the statement that applies.*

- The obligation secured by this assignment is to repay the principal sum on [*date*] and to pay interest on the principal sum in the meantime for so long as the principal sum or any part of it remains unpaid. The interest must be paid at the rate of [*amount*] percent per annum, by half-yearly/yearly* payments on the [*specify*] day of the month(s) of [*specify*] in each year. The first payment of interest is to be made on [*day, month*].

*Select one.

- The obligation secured by this assignment is to repay the principal sum together with interest on it, or on so much of it as has not for the time being been repaid, at the rate of [*amount*] percent per annum by equal monthly/quarterly/half-yearly* instalments of \$[*amount*] each, on account of principal and interest, on the [*specify*] day of the months of [*specify*] in every year until [*day, month*] and on that day to repay the balance of the principal sum and interest then remaining unpaid. The first instalment is to be paid on [*day, month*].

*Select one.

Date:

Signature of assignor:

Signature of witness:

Full name of witness:

Occupation of witness:

Address of witness:

Schedule

[Full description of the land interest assigned]

Form 53
Application seeking special aid

r 16.1(3)

*Section 98, Te Ture Whenua Maori Act 1993***Application**

- 1 I/We*, [*full name(s)*], seek financial assistance from the Māori Land Court Special Aid Fund for the following purposes:

*Select one.

Select the statement(s) that apply.

- proceedings under Te Ture Whenua Maori Act 1993:
- proceedings under the Maori Fisheries Act 2004:
- proceedings under the Maori Commercial Aquaculture Settlement Claims Act 2004.

- 2 Special aid funding is sought to cover my/our* reasonable out-of-pocket expenses †*and the reasonable fees of my/our* lawyer.*

*Select one.

†Omit the words in italics if you do not seek funding to cover the fees of a lawyer.

Lawyer's details

- 3 I/We* do/do not* have a lawyer to assist with this application.

*Select one.

- 4 *Omit this paragraph if you do not have a lawyer.*

My/Our* lawyer's contact details are:

Name:

Firm:

Address:

Telephone:

Fax:

Email:

*Select one.

- 5 A lawyer has/has not* already completed work on this matter.

*Select one.

- 6 *Omit this paragraph if it does not apply.*

Payment has/has not* been made for the work that has already been completed.

*Select one.

7 *Omit this paragraph if it does not apply.*

I/We* would like the Court to appoint a lawyer on my/our* behalf.

*Select one.

Date:

Signature(s) of applicant(s):

*(signed on behalf of claimant group)

†Sealed:

*Omit this line if the application is not made on behalf of a claimant group.

†If the applicant is a trust board, trust, or other legal entity, the application must be signed under common seal or other legal form appropriate to that body. Omit this line if it does not apply.

***Contact details**

Contact address: [*address to which documents or correspondence in connection with the application may be posted or delivered*]

Telephone: [*home, work, mobile*]

Fax:

Email:

*If given, a fax or email address may be used as a means of notice and service.

Lawyer to complete

Date instructions received:

Estimated time frame to complete services:

Total likely cost of services for which special aid is sought (including GST) using agency standard rates is: \$[*amount*]

If no standard rate applies, complete the following estimate (including GST):

Preparation	\$[<i>amount</i>]
Attendances	\$[<i>amount</i>]
Reading research and reports	\$[<i>amount</i>]
Documentation preparation	\$[<i>amount</i>]
Telephone attendances	\$[<i>amount</i>]
Court attendances	\$[<i>amount</i>]
Correspondence	\$[<i>amount</i>]

Other activities

[*List activities not set out above and the estimated charge for each*] \$[*amount*]

Disbursements

[*List estimated disbursements*] \$[*amount*]

Total (including GST) \$[*amount*]

Date:

Signature of provider:

Name:

Acknowledgement and confirmation by applicant

I have received a completed copy of this application form from my lawyer.

Date:

Signature of applicant:

Note

If you have already paid a lawyer for work on the matter, please provide a copy of the account.

Rebecca Kitteridge,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 13 October 2011.

Reprints notes

1 *General*

This is a reprint of the Māori Land Court Rules 2011 that incorporates all the amendments to those rules 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*

Senior Courts Act 2016 (2016 No 48): section 183(b)